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THE CASE

OF

GREAT BRITAIN

AS LAID BEFORE THE

TRIBUNAL OF ARBITRATION,

CONVENED AT GENEVA

UNDER

THE PROVISIONS OF THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND HER MAJESTY THE QUEEN OF GREAT BRITAIN, CONCLUDED AT WASHINGTON, MAY 8, 1871.

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EXPLANATORY NOTE.

The figures in brackets in the text indicate the pages of the edition which was laid before the Tribunal of Arbitration at Geneva; the * indicates the word with which each page commences.

The references to pages in the foot-notes refer to the pages in the edition laid before the Tribunal of Arbitration at Geneva, which may be found in this edition by referring to the figures in brackets in the text.

In the table of contents the column of figures under the head of "Geneva edition" refers to the edition which was laid before the Tribunal of Arbitration at Geneva, and the column under the head of "Second edition" refers to this edition.

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75	Mr. Adams to Earl Russell....	June 3, 1863	Incloses depositions declaring that the vessel is about to sail to Nassau for use as a cruiser, and has taken two guns on board. Continues to decline to recognize the sale.	65	97
76	Foreign office to treasury and home office.	June 4, 1863	Forwarding copies of Mr. Adams's letter and inclosures. That inquiry be made and necessary steps taken to prevent a violation of the law.	66	98
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80	Foreign office to treasury	June 9, 1863	For further inquiry as to the guns ...	69	101
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[1] # *SUMTER, (OR GIBRALTAR.)

RECEPTION IN BRITISH PORTS.

No. 1.

Sir F. Rogers to Mr. Hammond.

[Extract.]

DOWNING STREET, *August* 29, 1861. (Received August 30.)

I am directed by the Duke of Newcastle to transmit to you, for the information of Earl Russell, the copy of a dispatch from the governor of Trinidad, reporting the arrival of a man-of-war belonging to the Confederate States of North America, and the course which he had taken in regard to the reception of one of the officers of the ship.

SUMTER. — Correspondence.

[Inclosure in No. 1.]

Governor Keate to the Duke of Newcastle.

[Extract.]

TRINIDAD, *August* 7, 1861.

I have the honor to report that a steamer, purporting to be a man-of-war, and to belong to the so-called Confederate States of North America, put into the harbor of Port of Spain on the 30th ultimo. The vessel is called the Sumter, and appears to be a converted passenger steamer. She now carries, as I am given to understand, five powerful guns.

2. On the day of her arrival, one of her officers (all of whom seem to have been in the naval service of the United States) called upon me, sending in his card, with the words written under his name, "Lieutenant Confederate States Navy." Before receiving him, I directed my private secretary to inquire of him whether my doing so, after reading these words, would be construed into any sort of recognition of him or his ship in their assumed character. I did this in consequence of the injunction in your grace's dispatch "on no account to recognize" any ship "in any other capacity than that of a United States vessel." Mr. Evans, for such was this officer's name, replied that he was sent by his commanding officer, Captain Semmes, who was himself unwell, simply to pay his respects, and that to prevent any such construction he would withdraw his card and only send in his name verbally. I then received him and had some conversation with him, taking occasion to refer expressly to the neutral position occupied by Great Britain in regard to the two belligerent parties in North America.

3. I understand that this vessel succeeded in breaking the blockade on the 29th June, and has since been cruising in search of prizes, of which she has taken several. They have been condemned and sold with their cargoes in ports on the Spanish Main, Porto Cabello being specially named. The names of two vessels thus taken are given, the bark Joseph Maxwell, of Philadelphia, 300 tons, and the Abe Bradford, tonnage not mentioned. The mate and crew of the former have been landed here, and I presume will be taken care of by the acting United States consul.

The avowed and principal object, no doubt, with which the Sumter ran into this port was to obtain coals and provisions. A great deal of trade goes on between Trinidad and the northern ports of North America, and Captain Semmes, I imagine, has not failed to take this opportunity of obtaining information with regard to the vessels employed under the flag of the United States in this traffic. Fears are entertained with

regard to one or two now expected. It is to be hoped that the presence of the Sumter in these waters will soon be made generally known, and that, while the civil war continues, the lumber and provision trade, any interruption of which would cause
[2] serious embarrassment to this *community, will be carried on in British bottoms.

I have communicated with Admiral Sir Alexander Milne, now, I believe, at Halifax, on the subject, and since the arrival of the Sumter, Her Majesty's ship Cadmus has come into the harbor, and her commander, Captain Hillyar, has verified the character of the Sumter, and the commissions of her officers, and recognized her as a man-of-war.

No. 2.

The law-officers of the Crown to Earl Russell.

DOCTOR'S COMMONS, *September* 16, 1861.
(Received September 17.)

MY LORD: We are honored with your lordship's commands, signified in Mr. Hammond's letter of the 5th September instant, stating that he was directed to transmit to us a letter from the colonial office, inclosing a dispatch from the governor of Trinidad, reporting the arrival of the confederate vessel Sumter, in that colony, and what passed during her stay there, and to request that he would take this dispatch into consideration, and furnish your lordship with our opinion with regard to the propriety of the course pursued on that occasion by Governor Keate, and by the commander of Her Majesty's ship Cadmus.

Mr. Hammond was also pleased to state that your Lordship would also be glad to have our opinion as to whether vessels of war or privateers belonging either to the United States, or to the so-styled Confederate States, can properly be required to leave British ports in the West Indies, and British North America, if the state of the weather will admit of her doing so.

The papers referred to in the colonial office letter, together with a copy of the letter to the admiralty, and other offices, which has been laid before Parliament, were inclosed for reference.

In obedience to your lordship's commands we have taken these papers into consideration, and have the honor to report:

That we do not precisely understand what was the course pursued toward the Sumter by the commander of Her Majesty's ship Cadmus; there is nothing from this officer; and Governor Keate's dispatch of August 7th only states that "Captain Hillyar has verified the character of the Sumter and the commissions of her officers, and recognized her as a man-of-war."

Governor Keate appears to have carefully avoided any such recognition whatever.

We know not upon what instructions either of these officers may have acted; but, as at present advised, we see no reason to disapprove of the conduct of either. The Sumter certainly appears not to be a privateer, and is (we presume) a vessel of war commissioned by a *de facto* belligerent government.

Your lordship's second question must, in our opinion, be at present answered in the negative.

Although it is competent, by the law and usage of nations, to Her Majesty, in common with all neutrals, to place certain restrictions upon the access of the ships of war or privateers of belligerent governments to British ports, yet Her Majesty has not (as far as we are aware) done so during the present contest, excepting only in case of their being ac-

companied by prizes in the (printed) instructions of June 1st herewith. At the present time, therefore, *expressio unius est exclusio alterius;* and Her Majesty's government should determine upon and make public some other general instructions on the point, if this should be considered expedient on grounds of imperial and international policy. Unless or until this is done, the ships of war or privateers of either party, unaccompanied by prizes, should not, in our opinion, be required to leave British ports by the local authorities.

We have, &c.,
(Signed) J. D. HARDING.
WM. ATHERTON.
ROUNDELL PALMER.

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[3] *No. 3.

Mr. Hammond to Sir F. Rogers.

FOREIGN OFFICE, *September* 24, 1861.

SIR: I am directed by Earl Russell to request that you will state to the Duke of Newcastle that his lordship thought it right to consult the law-officers of the Crown upon the proceedings of Governor Keate and of the captain of Her Majesty's ship Cadmus, as reported in your letter of the 29th ultimo, and its inclosure, on the occasion of the arrival of the so-styled confederate vessel of war Sumter in the port of Trinidad.

I now inclose, for his grace's information, a copy of the law-officers' report,[1] and I am to state that Lord Russell would suggest that the answer to be returned to Governor Keate should simply be that Her Majesty's government see no reason to disapprove his proceedings and those of the captain of the Cadmus on the occasion in question.

I am, &c.,
(Signed) E. HAMMOND.

No. 4.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 30, 1861. (Received September 30.)

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, regrets to be obliged to inform the Right Honorable Earl Russell, Her Majesty's principal secretary of state for foreign affairs, that he has been instructed by the President of the United States to prefer a complaint against the authorities of the island of Trinidad for a violation of Her Majesty's proclamation of neutrality by giving aid and encouragement to the insurgents of the United States. It appears, by an extract from a letter received at the Department of State from a gentleman believed to be worthy of credit, a resident of Trinidad, Mr. Francis Bernard, a copy of which is submitted herewith, that a steam-vessel known as an armed insurgent privateer, called the

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[1] No. 2.

Sumter, was received on the 30th of July last at that port, and was permitted to remain for six days, during which time she was not only furnished with all necessary supplies for the continuance of her cruise, under the sanction of the attorney-general, but that Her Majesty's flag was actually hoisted on the government flag-staff in acknowledgment of her arrival.

The undersigned has been directed by his Government to bring this extraordinary proceeding to the attention of Lord Russell, and, in case it shall not be satisfactorily explained, to ask for the adoption of such measures as shall insure on the part of the authorities of the island the prevention of all occurrences of the kind during the continuance of the difficulties in America.

The undersigned deems it proper to add, in explanation of the absence of any official representation from Trinidad to substantiate the present complaint, that there was no consul of the United States there at the time of the arrival of the vessel. The undersigned had the honor, a few days since, to apprise Lord Russel of the fact that this deficiency had been since supplied by preferring an application for Her Majesty's *exequatur* for a new consul, who is already on his way to occupy his post.

The undersigned, &c.,

(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 4.]

Mr. Bernard to Mr. Seward.

[Extract.]

TRINIDAD, *August* 7, 1861.

I beg to inform you that, on the 30th ultimo, a steam-sloop of war, (Semmes, commander,) carrying a secession flag, 5 guns—some of large caliber—and a crew of from 120 to 150 men, sailed boldly into our harbor, and reported herself to the authorities of this island as being on a cruise. She was last from Puerto Cabello, and since she succeeded in getting out of the Mississippi River she has already captured no less than eleven American vessels. I ascertained the names of some of them, viz,

[4] the Joseph Maxwell, *Abe Bradford, Minnie Miller, Westwind of Westerly, with a cargo of sugar from Havana, and Golden Rocket, which was burned by her off the coast of Cuba.

The Sumter landed eight of her prisoners here in a destitute condition, but a contribution has been raised here for their benefit, sufficient to supply their immediate wants, and I will take care that they are provided for till an opportunity offers to ship them to the States.

The Sumter remained here till the 5th instant, and was allowed to supply herself with coals and other necessary outfits. The British flag was hoisted on the government flag-staff for her arrival, and the officers of the British war-vessel Cadmus appeared to be on amicable terms with those of the Sumter. The merchant who supplied the Sumter with coals did it with the consent and approval of our attorney general.

Being a loyal American, I consider it my duty to send you these informations, as there has been no consul of our nation on this island for many months.

No. 5.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *September* 30, 1861. (Received October 1.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Her Majesty's secretary of state for foreign affairs, a copy of a letter dated the 6th August last,

addressed by Captain Hillyar, of the Cadmus, to Rear-Admiral Sir Alexander Milne, reporting having boarded the Sumter, a large privateer belonging to the southern confederation, at Trinidad, and that that vessel had been allowed to repair and to be provisioned at that place; and I am to request that Earl Russell will cause their lordships to be furnished with instructions on this subject prior to the departure of the mail on the 5th proximo.

I am, &c.,
(Signed) C. PAGET.

[Inclosure 1 in No. 5.]

Captain Hillyar to Rear-Admiral Sir A. Milne.

CADMUS, *Trinidad, August* 6, 1861.

SIR: With reference to my letter of proceedings to you of the 10th July, 1860, I have the honor to inform you that, after completing provisions to four months, I left Barbados on the 20th (after the arrival of the mail from England) for Saint Vincent, and arrived there on the 22d. Found there the hired surveying-schooner Reindeer and cutter Royal Charles.

On the 25th I received a requisition from the acting lieutenant governor administering the government to take him the rounds of his government. Embarked him and suite on the 29th and proceeded. (Copy of request inclosed.)

After visiting the islands, as per log, returned to Saint Vincent on the 1st instant. Wind variable; up steam, and proceeded into Kingston Bay.

On the evening of the 2d sailed for Granada, and arrived the forenoon of the 3d, and was proceeding under steam into the inner harbor when I received information from the harbor-master that a large privateer belonging to the southern confederation was at Trinidad, and that a letter from the governor of that place had been sent on to Saint Vincent the day previous, addressed to me. Under these circumstances, I backed out and anchored outside, and, after taking 20 tons of water, sailed for this place at 7 p. m. Off the Bocas the wind fell light, and the current so strong I got up steam and anchored here at 2 p. m. on the 4th.

I found a heavy bark-rigged steamer, with south federal flag, with ten stars, and pendant flying. An officer from her boarded us as soon as we anchored, with the captain's respects. Soon after I sent the senior lieutenant, Mr. Siltingstone, with my compliments, requesting that he would be good enough to show his commission and papers, which, after some hesitation, and not before Mr. Siltingstone produced his commission, he did.

From his report, it is a regular commission as commander to Captain Semmes, late of the United States Navy, to the Sumter, as a man-of-war, signed by President Davis. She mounts five guns between decks, viz, four heavy 32-pounders and
[5] one pivot *68-pounder; but, having been a passenger-boat, her scantling is so light (not more than five or six inches) that I don't think she could stand any firing, and the guns, being only from four to five feet from the water, could not be worked in bad weather.

She broke the blockade at New Orleans and was nearly captured; since then, she has been most successful, having eleven prizes; two she sank and the rest are at St. Jago de Cuba, under the protection of the government, with the sanction of the governors-in-chief, until they receive orders from Spain as to the matter.

She has been supplied with a new main-yard, eighty tons of coal, and provisions from this place, the attorney-general having given the governor his opinion that it was quite legal to supply her.

I called on Captain Semmes next morning, as he was getting his steam up, and he gave me full assurance that he would in no way interfere with British or neutral trade, but complained greatly at the southerners having no port to send their prizes to, and that he would be obliged to destroy all he took, in consequence of the strict blockade on the southern ports and the stringent proclamation of all the great powers. He thinks himself safe at Cuba, as the government of Spain's proclamation is only against privateers and their prizes, and says nothing about men-of-war.

She sailed yesterday under steam, at 1 p. m., and from the signal-station was reported going to windward, and, from his questions, I should fancy he was going to cruise for some of the California and China homeward-bound ships, and there is no doubt he will do an enormous amount of damage before he is taken, for he seems to be a bold, determined man, and well up to his work.

I am, &c.,
(Signed) H. S. HILLYAR.

[Inclosure 2 in No. 5.]

Acting Lieutenant Governor Musgrave to Captain Hillyar.

GOVERNMENT HOUSE, *Saint Vincent, July* 25, 1861.

SIR: The group of Grenadines, which are dependencies of this island, have not been visited by the officers administering the government for some time, and I have had no opportunity for the purpose since my arrival. I have therefore to request that, if it is not inconsistant with other arrangements, you will convey me, with my private secretary and inspector general of police, who is my aid-de-camp, on a tour of inspection through these islands; and I propose to proceed on Saturday the 27th instant.

I have, &c.,
(Signed) A. MUSGRAVE.

No. 6.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 4, 1861.

The undersigned has had the honor to receive a complaint from Mr. Adams against the authorities of the island of Trinidad, for a violation of Her Majesty's proclamation of neutrality, by giving aid and encouragement to the insurgents of the United States.

It appears, from the accounts received at the colonial office and at the admiralty, that a vessel bearing the secession flag entered the port of Trinidad on the 30th of July last.

Captain Hillyar, of Her Majesty's ship Cadmus, having sent a boat to ascertain her nationality, the commanding officer showed a commission signed by Mr. Jefferson Davis, calling himself the president of the so-styled Confederate States.

The Sumter, which was the vessel in question, was allowed to stay six days at Trinadad and to supply herself with coals and provisions, and the attorney-general of the island perceived no illegality in these proceedings.

The law-officers of the Crown have reported that the conduct of the governor was in conformity with Her Majesty's proclamation.

No mention is made by the governor of his hoisting the British flag on the government flag-staff, and if he did so it was probably in order to show the national character of the island, and not in acknowledgment of the arrival of the Sumter.

[6] *There does not appear, therefore, any reason to believe that Her Majesty's proclamation of neutrality has been violated by the governor of Trinidad or by the commanding officer of Her Majesty's ship Cadmus.

The undersigned, &c.,
(Signed) RUSSELL.

No. 7.

Major General Sir E. Lugard to Mr. Hammond.

WAR OFFICE, *January* 25, 1862. (Received January 25.)

SIR: I am directed by the secretary of state for war to acquaint you, for the information of Earl Russell, that a dispatch has been received

from the governor of Gibraltar, stating that the Sumter had made prize, on the morning of the 18th instant, of two American barks, nine miles southeast of the rock.

I have, &c.,
(Signed) EDWARD LUGARD.

No. 8.

The secretary to the admiralty to Mr. Hammond.

[Immediate.]

ADMIRALTY, *January* 25, 1862. (Received January 25.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Captain Warden, the senior officer of Her Majesty's ships at Gibraltar, dated the 17th instant, requesting instructions with regard to preventing war-steamers, either of the United States or so-styled Confederate States of North America, infringing the neutrality of the port of Gibraltar, by making it a sort of base for hostile operations.

My lords request to be informed what instructions Lord Russell would desire to be given to Captain Warden in this matter, observing that the mail for Gibraltar will be dispatched this evening.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 8.]

Captain Warden to Vice-Admiral Sir W. Martin.

CUCKOO, *at Gibraltar, January* 17, 1862.

SIR: In a conversation which I lately held with his excellency the governor of Gibraltar, the question arose as to the steps which it would be desirable to take in the event of this place being visited by men-of-war steamers belonging to the United States or by those of the Confederate States.

His excellency has acquainted me that if either of these parties avail themselves of the advantages of this place as a neutral port, and then went out from time to time evidently to carry on operations against the trade of their enemies in the Straits of Gibraltar, it might even be in sight of the signal-station of the fortress, that he might in that case feel it his duty to refuse the hospitality of the port to either or both of the parties, which might so misuse a neutral port as to make it a sort of base for operations of a hostile nature. This case arising, it is natural to expect that the governor would call upon me to support him in the measures which he might take, and I should be glad if you would furnish me with instructions as to the line of conduct it would be my duty to adopt in such a case, so far as the use of force is concerned.

I have, &c,
(Signed) J. WARDEN.

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[7] *No. 9.

Major General Sir E. Lugard to Mr. Hammond.

WAR OFFICE, *January* 28, 1862. (Received January 28.)

SIR: I am directed by the secretary of state for war to transmit to you, for the consideration of Earl Russell, the inclosed copy of a confidential dispatch from Lieutenant General Sir William Codrington, in

which he reports the appearance off Gibraltar of a vessel supposed to be the confederate steamer Sumter, and calls attention to the embarrassment which may be occasioned in the event of ships of war of either of the belligerents taking advantage of that port for the purpose of observing and capturing vessels passing through the straits.

Sir George Lewis will be glad to be informed as to the instructions which, in Earl Russell's opinion, should be given to Sir William Codrington for his guidance in this matter.

I have, &c.,
(Signed) EDWARD LUGARD.

[Inclosure in No. 9.]

Lieutenant General Sir W. Codrington to Sir G. Lewis.

[Confidential.]

GIBRALTAR, *January* 17, 1862.

SIR: The presence of the confederate man-of-war Sumter at Cadiz, the liability of her appearance in our waters, and her possible conduct, either here or in the straits, may give rise to questions of some embarrassment. It seems also probable that Federal vessels of war coming to Gibraltar may add somewhat to the intricacy of questions which may arise out of the position of these belligerent parties.

The following is an extract from the garrison orders long existing at Gibraltar:

"When any act of hostility occurs between ships of foreign nations within range of the guns of the garrison, the officer or non-commissioned officer commanding the guard is to fire one shot at extreme range over the assailant, and if hostilities be continued he is to give protection to the vessel attacked by firing on the assailant."

This meets the case of any possible attempt in the day-time within the long range of one and one half miles, or 2,600 yards. Beyond that range, although still in our waters for an additional distance of a mile and a half from Europa Point, the maintenance of inviolability must depend upon the navy.

I understand it to be the wish of Her Majesty's government that the rights of belligerents should be acknowledged by both Federals and confederates, but that no prizes are to be brought by either party into the ports of Her Majesty.

Should either party attempt to make this anchorage the means of capture, by waiting for, observing, and attacking vessels of the opposite party passing through the straits, I should feel it my duty to give warning, and subsequently insist that Gibraltar should not be made use of for such a purpose.

Gibraltar would afford great facilities for armed steamships to observe and pounce upon merchant sailing-vessels passing to the east or to the west, returning in safety to the protection of the neutrality of this anchorage and fortress. I presume that it is the wish of Her Majesty's government that I should prevent, by every means in my power, such an abuse of our neutral position and of the peculiar situation of Gibraltar.

I can partially insist upon the departure of any armed vessel thus abusing our neutrality in practice, but the effective and continued maintenance of the inviolability of our waters, on a proper line of demarkation of three miles, must depend upon Her Majesty's naval forces.

It would be advantageous, therefore, if thought right by Her Majesty's government, that the admiralty should give instructions to the senior naval officer here, and that I should receive any directions from yourself upon the points to which my attention has been directed in anticipation of very possible occurrences.

I have, &c.,
(Signed) W. J. CODRINGTON.

P. S.—JANUARY 18.—Since writing the above, a steamer with the confederate flag (no doubt the Sumter) was seen from the signal-station this morning to take
[8] possession of *two American barks, about three leagues to the eastward of the Rock, where she now is, (12 noon,) with boats passing backward and forward to her prizes.

W. J. C.

No. 10.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *February* 1, 1862. (Received February 3.)

SIR: I am commanded by my lords commissioners of the admiralty to send herewith, for the information of Earl Russell, a copy of a letter, dated the 22d of January, from Captain Warden, reporting the arrival of the confederate steamer Sumter at Gibraltar, and copies of its inclosures, relative to lending the vessel an anchor and cable during her stay in port.

I am, &c.,
(Signed) C. PAGET.

[Inclosure 1 in No. 10.]

Captain Warden to the secretary to the admiralty.

CUCKOO, *Gibraltar, January* 22, 1862.

MY LORD: I have the honor to report to your lordship, for the information of the lords commissioners of the admiralty, that the Confederate States steam-vessel Sumter arrived in this bay on the 18th instant, having on that day captured two American vessels and burned one of them within sight of the signal-station, but at several leagues distant.

On the following day the commander of her waited upon me and requested the loan of an anchor and 60 fathoms of chain-cable from the dock-yard, stating he had only one anchor on board, and that was too small for the safety of his vessel. Before giving him any answer, I consulted the attorney general, who is the Queen's advocate, on the subject, and finding from his opinion that there was no objection to such articles being lent under the actual circumstances of the case, I addressed a letter to Commander Semmes, copy of which I inclose, as well as his reply. As, however, the cables in store were all too large for his purpose, he has not as yet availed himself of the permission to borrow an anchor.

I shall be glad to know that this step meets their lordships' approval.

I have, &c.,
(Signed) FRED. WARDEN.

[Inclosure 2 in No. 10.]

Captain Warden to Commander Semmes, C. S. N.

CUCKOO, *Gibraltar, January* 20, 1862.

SIR: With reference to the conversation which I had the honor to hold with you yesterday on the subject of lending to the Sumter, steam-vessel, belonging to the Confederate States navy, under your command, an anchor and 60 fathoms of chain-cable, I have to acquaint you that I have submitted the question to the law-officers of the Crown, and the opinion has been given to me that, with a view to the protection of the shipping in the bay, which may be anchored in the vicinity of the Sumter, and in the general interests of humanity, there is no objection to your request being entertained and an anchor and cable being lent for the use of the Sumter temporarily; and, therefore, on my receiving a written assurance from you that the said anchor and cable so lent will be considered merely in the light of a loan, and will be returned to Her Majesty's dock-yard before the Sumter quits the bay, there will be no objection to your being supplied, and you will then have my permission to select from the dock-yard such as may suit your purpose if they should be in store.

I have, &c.,
(Signed) FRED. WARDEN.

[9] [*Inclosure 3 in No. 10.]

Commander Semmes, C. S. N., to Captain Warden.

SUMTER, *Bay of Gibraltar, January* 20, 1862.

SIR: I have the honor to receive your letter of this day's date, in which you are kind enough to say that you assent to the requests made by me yesterday for the loan of an anchor and chain for the temporary security of my ship. This anchor and chain will be safely returned to the arsenal before I leave the port.

I have, &c.,
(Signed) R. SEMMES.

No. 11.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *February* 1, 1862. (Received February 4.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter, dated the 22d January, from Captain Warden, the senior officer of Her Majesty's ships at Gibraltar, with copies of the correspondence therein inclosed, relative to the protection to be afforded to United States merchant-vessels in the waters of Gibraltar during the stay of the confederate armed vessel Sumter at Gibraltar.

I am, &c.,
(Signed) C. PAGET.

[Inclosure 1 in No. 11.]

Captain Warden to the secretary to the admiralty.

CUCKOO, *at Gibraltar, January* 22, 1862.

MY LORD: I have the honor to transmit, for the information of the lords commissioners of the admiralty, copies of a correspondence which has taken place on the subject of the protection to be afforded to American merchant-vessels during the stay of the Sumter at Gibraltar. Extracts of this correspondence have been furnished to the American consul for his information.

I have, &c.,
(Signed) FRED. WARDEN.

[Inclosure 2 in No. 11.]

Mr. Sprague to Captain Warden.

JANUARY 21, 1862.

SIR: The steamer Sumter still remains in this port. There are also several windbound American vessels in this bay, some of them likely to be towed out of the straits at any moment, and for the guidance of their masters I shall feel obliged if you will inform me at your earliest convenience what rules you intend to lay down or enforce on the occasion, in case any American vessels should leave port before the Sumter, or if the Sumter should be outside waiting to intercept them.

I have, &c.,
(Signed) HORATIO J. SPRAGUE,
United States Consul.

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[10] *[Inclosure 3 in No. 11.]

Captain Warden to Commander Semmes, C. S. N.

CUCKOO, *Gibraltar, January* 22, 1862.

SIR: I have the honor to acquaint you that a question has been raised by the United States consul as to the amount of protection to merchant-vessels in this port

during the stay of the Sumter, and having placed myself in communication with his excellency the governor, and consulted the proper authorities, it becomes my duty to place before you the decision arrived at, viz: "American merchant-vessels quitting Gibraltar while the Sumter is in the bay are entitled to twenty-four hours before being pursued with a hostile intention, and that it is the duty of the authorities concerned to see that such protection is extended over them."

It will afford me much pleasure to learn from yourself that you coincide in these views of neutral rights and protection, in which case my duty will be rendered both simpler and more agreeable.

I have, &c.,
(Signed) F. WARDEN.

[Inclosure 4 in No. 11.]

Commander Semmes, C. S. N., to Captain Warden.

CONFEDERATE STATES STEAMER SUMTER,
Bay of Gibraltar, January 22, 1862.

SIR: I have had the honor to receive your letter of this date, informing me that a question had been raised by the United States consul as to the amount of protection to be afforded to the merchant-vessels of the Northern States while the Sumter remains in the waters of Gibraltar; that you had put yourself in communication with his excellency the governor and consulted the proper authorities on the subject, and that the following conclusion had been reached, viz, that "American merchant-vessels quitting Gibraltar while the Sumter is in the bay are entitled to a start of twenty-four hours before being pursued with a hostile intention, and that it is the duty of the authorities concerned to see that such protection is extended over them."

The rule above stated has certainly been well established as to ships of war, though I do not recollect any case in which the same rule has been applied to merchant-shipping. I am free to admit, however, that the reason of the rule, viz, that the neutral port shall not be made a station from which to carry on hostilities, applies as well to merchant-shipping as to men-of-war, and therefore I can have no ground on which to dissent from the conclusion arrived at by the authorities of Gibraltar. The Sumter will not pursue, within twenty-four hours of her departure, any vessel of the United States that may leave the Bay of Gibraltar.

I have, &c.,
(Signed) R. SEMMES.

No. 12.

Major General Sir E. Lugard to Mr. Hammond.

WAR OFFICE, *February* 4, 1862. (Received February 5.)

SIR: With reference to my letter of the 28th ultimo, relative to the appearance off Gibraltar of the so-called Confederate States steamer Sumter, I am directed by the secretary of state for war to transmit to you, for the information of Earl Russell, the accompanying copy of a further dispatch from Lieutenant General Sir William Codrington, in which he reports the arrival of the Sumter at that port, and gives the substance of a conversation which had passed between himself and the captain of that vessel.

Sir William Codrington also forwards copies of a correspondence with the United States consul at Gibraltar in regard to this vessel.

I have, &c.,
(Signed) EDWARD LUGARD.

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[11] *[Inclosure 1 in No. 12.]

Lieutenant General Sir W. Codrington to Sir G. Lewis.

GIBRALTAR, *January* 25, 1862.

SIR: With reference to my dispatch, marked confidential, dated 17th instant, I have now the honor to inform you that the Confederate States steamer Sumter, after cap-

turing and burning an American bark, the Neapolitan, about three or four leagues southeast of Gibraltar, on the 18th instant, and putting the crew on board another, the Investigator, which she also captured, but set at liberty, having English property on board, anchored in our bay at about 6 o'clock on the same day.

2. On the evening of the 18th I received a letter from the American consul in this city, (a copy of which I inclose,) requesting me to give instructions to prevent this "rebel cruiser from obtaining the necessary facilities and making equipments for the continuance of her unlawful vocation."

3. On the receipt of this letter, I put to the attorney-general certain questions on international law, which questions, and his answers, are annexed.

4. I then caused a reply to be made to the consul by the colonial secretary.

5. On Sunday, the 19th, Captain Semmes, the commander of the Sumter, called upon me about 3 p. m., and the following is the substance of our conversation: "He said that he wished to wait upon me and ask for the hospitality of Gibraltar for the short time that he might remain. I answered that that hospitality would be given to him, as to any others, as long as no circumstances happened to prevent it by a breach of regulations and customs which were applicable to the Sumter as to other vessels. Captain Semmes said he quite understood that, and that he only proposed to obtain assistance by private labor in repairs which were necessary. Of course, I said; but nothing of munitions or contraband of war, as generally understood, must be obtained by him, as this would cause a breach of that neutrality which I was bound to see observed both by confederates and Federals. He said that he wished to have repairs made to his condenser and some other part of the engine, for which purpose he should obtain private assistance; that he meant to have a survey of the engine by his own people, and that if I wished to send an engineer to see what those repairs were, and if they were necessary, he would be very happy to receive him, &c. I said I did not wish this; that there could be no objection to such necessary repairs, as far as I was acquainted with international law. Yes, he said, the law has long been clearly laid down, by your Sir Walter Scott formerly, as to that; and that if, for instance, I found that he was introducing a gun, or such things, it would be contrary to law, &c.; but that, on receiving hospitality of a neutral port, he should feel himself bound, as a question almost of honor, not to do anything to compromise the authority of the port. I said this would make my duty easy if I felt such was his intention; for of course there would be very nice questions of international law and difficulty if a Federal man-of-war came into the port, so as to maintain a strict neutrality and yet afford the hospitality acknowledged as customary by the law of nations. After some more general conversation, I mentioned to him that there was one point on which I must express my opinion, viz: that it would not be right for him to make Gibraltar a stepping-stone or facility for observing and seizing American merchantmen passing into and out of the straits. The going out, and coming in again for this purpose, would be quite contrary to the neutrality of the port; he said he perfectly understood this view, and he had no intention of doing anything of this sort; but that when he quitted Gibraltar finally, if an American merchantman fell in his way the other side of the straits, that was another question. I said, O! I have nothing to say to such proceedings far out from hence," &c.

6. On the 20th I desired my military secretary to go on board the Sumter and to read to him the above notes of our conversation, not as wishing for any expression from him, but merely to show him my understanding of his intentions, while he is using the hospitality of this port, as it made the duty of the authorities at Gibraltar more clear, open, and agreeable, if I understood that Captain Semmes—as well for himself as for his officers and ship's company—felt himself bound in honor to keep free from any act, such as obtaining articles of munitions or contraband of war, which would in any way compromise the strict neutrality of the port.

7. Captain Semmes, having heard these remarks and notes read, replied, "You may tell the governor that he has remembered our conversation with singular accuracy, and that I do consider myself bound, not only by interest, but also by honor, not to abuse the hospitality which I am receiving at Gibraltar; I can answer for all my officers in like manner."

[12] *8. On the afternoon of the 19th instant I received another letter from the American consul, (inclosed,) in which he states he fully counts upon my preventing the neutrality of this port and fortress from being compromised by southern armed cruisers, to the detriment of the commerce of the United States, and asking that the crew of the burned bark Neapolitan, then in the bay on board the Investigator, might be allowed to land and be subsisted under the charge of the consulate.

9. The colonial secretary replies to this by letter of the 20th, (also inclosed.)

10. On the 22d I had an interview with Captain Warden, C. B., senior naval officer, on the subject of an interval of twenty-four hours elapsing after the departure of any American vessel before the Sumter should be permitted to depart. We both thought it advisable that he should write a letter to Captain Semmes, informing him of what

we considered the international law and custom, viz, that he should not quit the port until twenty-four hours had elapsed after the sailing of any American merchantman.

11. Captain Warden has since received an answer to the effect that the Sumter will not pursue, within twenty-four hours of her departure, any vessel of the United States that may leave the Bay of Gibraltar.

12. Copies of these letters are also herewith transmitted.

I have, &c.,

(Signed) W. J. CODRINGTON.

[Inclosure 2 in No. 12.]

Mr. Sprague to Lieutenant General Sir W. Codrington.

GIBRALTAR, *January* 18, 1862—9 p. m.

DEAR GENERAL: I just learn that the rebel steamer Sumter has entered this port a few moments since, after destroying one or two of our merchant-vessels within sight of this rock.

I hope your excellency will give such orders as may prevent this rebel cruiser from obtaining the necessary facilities and making equipments for the continuation of her unlawful vocation.

The probability of the Sumter being visited by the sanitary authorities at an early hour to-morrow makes me anxious that the present note should reach your excellency's hands at an early moment; hence the reason for my addressing you at this advanced hour of the night, and for which I beg to offer your excellency many apologies.

I have, &c.,

(Signed) HORATIO J. SPRAGUE,
United States Consul.

[Inclosure 3 in No. 12.]

Questions addressed to the attorney general, Gibraltar, and his answers.

GIBRALTAR, *January* 19, 1862.

The confederate steamer Sumter anchored in Gibraltar about 6 p. m. yesterday evening; she had been seen to capture in the morning two American barks about three leagues southeast from the rock, one of which was subsequently set on fire.

I received last night the inclosed letter from the consul of the United States. It is not necessary to refer to the details of expression as to rebels, &c., but I wish the opinion of the attorney general for my guidance upon the following points:

Whether the Queen's proclamation of neutrality, and acknowledgment of belligerent rights to both Federals and secessionists, entails any obligation upon me to prevent the supply by private hand to either party—

Munitions of war; of coals; of provisions, water, or ships' stores.

I request also the opinion of the attorney general, whether there is any international law or custom by which I can prevent the anchorage and protection of Gibraltar being made use of by either party for the purpose of sallying out and capturing the vessels of the opposite party, and then return in safety to the protection of a neutral anchorage.

(Signed) W. J. CODRINGTON,
Lieutenant General, Governor.

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[13] *The confederate war-steamer Sumter, now anchored in our port, may receive such supplies as are ordinarily furnished to merchant ships, but nothing that will add to or increase her fighting powers, such as munitions of war. Hostilities must not be permitted in British waters, nor Gibraltar made use of as an asylum from whence to sally out to commit hostilities, and afterward returning to it. In such case the asylum should be refused.

(Signed) MARCUS COSTELLO,
Attorney General.

[Inclosure 4 in No. 12.]

Captain Freeling to Mr. Sprague.

SECRETARY'S OFFICE, GIBRALTAR, *January* 19, 1862.

SIR: I am directed by his excellency the governor to acknowledge the receipt of your letter of yesterday's date on the subject of the confederate steamer Sumter, now at anchor in this bay.

His excellency desires me, in reply, to inform you that the instructions contained in Her Majesty's proclamation of the 13th May last, (published in the Gibraltar Chronicle of the 1st June, 1861,) with reference to the strict neutrality to be observed by Her Majesty's subjects in the contest between the Government of the United States of America and certain States styling themselves the Confederate States of America, will be strictly carried out with regard to the rights and obligations toward both belligerent parties.

I have, &c.,
(Signed) S. FREELING,
Colonial Secretary.

[Inclosure 5 in No. 12.]

Mr. Sprague to Captain Freeling.

GIBRALTAR, *January* 19, 1862.

SIR: I have the honor to acknowledge the receipt of your communication of this day's date, and beg to say, in reply, that I fully count upon his excellency the governor preventing the neutrality of this port and fortress from being compromised by southern armed cruisers, to the detriment of the commerce of the United States.

His excellency the governor is already informed of the particulars of the destruction of property yesterday by the Sumter, in sight of this rock. The bark Neapolitan, of Kingston, United States of America, was captured and destroyed by this steamer, and the crew were sent to this port by the American barque Investigator, at first captured by the Sumter, and then released on her master handing to the commander of the Sumter a ransom bond for $11,250. This crew was put on board the Investigator, to go wherever they pleased; and being protected American seamen, I beg to ask the favor of his excellency the governor to permit these men to place themselves under the charge of this consulate, so that I may provide for their subsistence and return to their homes. They are entirely destitute, and are at this moment a heavy burden to the master of the American bark Investigator, who is anxious to be relieved of them, as he wishes to proceed on his voyage to England without further delay.

I have, &c.,
(Signed)
HORATIO J. SPRAGUE,
United States Consul.

[Inclosure 6 in No. 12.]

Captain Freeling to Mr. Sprague.

SECRETARY'S OFFICE, *Gibraltar, January* 20, 1862.

SIR: I am directed by the governor to acknowledge the receipt of your letter of yesterday's date, and to inform you that, by some expressions in it, there seems to be expectation on your part which it might not be in his excellency's power to accomplish, with regard to acts detrimental to the commerce of the United States

He therefore begs me to remind you that Her Majesty's proclamation and the [14] rules *of international law will form the limit and the guide in any conduct observed toward the belligerent parties of the Northern and Southern States of America.

The governor understands that you will take charge of the crew of the Neapolitan, and he has, therefore, no objection to their being landed from the Investigator at once.

I have, &c.,
(Signed) S. FREELING,
Colonial Secretary.

[Inclosure 7 in No. 12.]

Captain Warden to Commander Semmes, C. S. N., January 22, 1862.

[See inclosure 3 in No. 11.]

[Inclosure 8 in No. 12.]

Commander Semmes, C. S. N., to Captain Warden, January 22, 1862.

[See inclosure 4 in No. 11.]

No. 13.

Mr. Hammond to Major General Sir E. Lugard.

FOREIGN OFFICE, *February* 8, 1862.

SIR: I am directed by Earl Russell to acknowledge the receipt of your letter of the 4th instant, inclosing copies of a dispatch and its inclosures from Lieutenant General Sir W. Codrington, reporting his proceedings with regard to the confederate steamship Sumter; and I am to request that you will state to Secretary Sir G. C. Lewis that his lordship is of opinion that the conduct of Sir W. Codrington should be approved.

I am, &c.,
(Signed) E. HAMMOND.

No. 14.

Major General Sir E. Lugard to Mr. Hammond.

[Immediate.]

WAR OFFICE,
February 11, 1862. (Received February 11.)

SIR: I am directed by the secretary of state for war to request that you will move Earl Russell to enable Sir George Lewis to return an authoritative answer to the following inquiry, which has been received by telegraph from Lieutenant General Sir William Codrington:

"With regard to the third paragraph of printed instructions
[15] received to-day,[1] *Sumter entered Gibraltar three weeks before the notification. Is she to be ordered away under that paragraph?"

I am, &c.,
(Signed) EDWARD LUGARD.

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[1] "II. During the continuance of the present hostilities between the Government of the United States of North America and the States calling themselves 'the Confederate States of America,' all ships of war and privateers of either belligerent are prohibited from making use of any port or roadstead in the United Kingdom of Great Britain and Ireland, or in the Channel Islands, or in any of Her Majesty's colonies or foreign possessions or dependencies, or of any waters subject to the territorial jurisdiction of the British Crown, as a station or place of resort for any warlike purpose or for the

No. 15.

Mr. Hammond to the law-officers of the Crown.

[Immediate.]

FOREIGN OFFICE, *February* 11, 1862.

GENTLEMEN: I am directed by Earl Russell to transmit to you herewith a letter from the war office,[1] requesting to be enabled to return an answer to a question in regard to the stay of the confederate ship of war Sumter at Gibraltar, which has been asked by the governor of that fortress.

It appears to Lord Russell that the Sumter has not entered the port of Gibraltar after the notification at that port of the rules contained in his lordship's letter to the admiralty of the 31st January, herewith transmitted to you, but that if she goes away and returns she will be subject to the rules as promulgated; but Lord Russell requests that you will take the question into your consideration with reference generally to the rules laid down in his letter, and at your earliest convenience re-

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purpose of obtaining any facilities of warlike equipment; and no ship of war or privateer of either belligerent shall hereafter be permitted to sail out of or leave any port, roadstead, or waters, subject to British jurisdiction, from which any vessel of the other belligerent (whether the same shall be a ship of war, a privateer, or a merchant ship) shall have previously departed, until after the expiration of at least twenty-four hours from the departure of such last-mentioned vessel beyond the territorial jurisdiction of Her Majesty.

"III. If any ship of war or privateer of either belligerent shall, after the time when this order shall be first notified and put in force in the United Kingdom and in the Channel Islands, and in the several colonies and foreign possessions and dependencies of Her Majesty, respectively, enter any port, roadstead, or waters belonging to Her Majesty, either in the United Kingdom or in the Channel Islands or in any of Her Majesty's colonies or foreign possessions or dependencies, such vessel shall be required to depart and to put to sea within twenty-four hours after her entrance into such port, roadstead, or waters, except in case of stress of weather, or of her requiring provisions or things necessary for the subsistence of her crew or repairs; in either of which cases the authorities of the port, or of the nearest port, (as the case may be,) shall require her to put to sea as soon as possible after the expiration of such period of twenty-four hours, without permitting her to take in supplies beyond what may be necessary for her immediate use; and no such vessel, which may have been allowed to remain within British waters for the purpose of repair, shall continue in any such port, roadstead, or waters for a longer period than twenty-four hours after her necessary repairs shall have been completed; provided, nevertheless, that in all cases in which there shall be any vessels (whether ships of war, privateers, or merchant-ships) of both the said belligerent parties in the same port, roadstead, or waters within the territorial jurisdiction of Her Majesty, there shall be an interval of not less than twenty-four hours between the departure therefrom of any such vessel (whether a ship of war, a privateer, or a merchant-ship) of the one belligerent and the subsequent departure therefrom of any ship of war or privateer of the other belligerent; and the times hereby limited for the departure of such ships of war and privateers respectively, shall always, in case of necessity, be extended, so far as may be requisite for giving effect to this proviso, but not further or otherwise.

"IV. No ship of war or privateer of either belligerent shall hereafter be permitted, while in any port, roadstead or waters subject to the territorial jurisdiction of Her Majesty, to take in any supplies, except provisions and such other things as may be requisite for the subsistence of her crew; and except so much coal only as may be sufficient to carry such vessel to the nearest port of her own country, or to some nearer destination; and no coal shall be again supplied to any such ship of war or privateer, in the same or any other port, roadstead or waters subject to the territorial jurisdiction of Her Majesty, without special permission, until after the expiration of three months from the time when such coal may have been last supplied within British waters to her as aforesaid."

[1] No. 14.

port your opinion as to the answer which should be returned to the governor of Gibraltar.

I am, &c.,
(Signed) E. HAMMOND.

No. 16.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY,
February 12, 1862. (Received February 12.)

SIR: I am commanded by my lords commissioners of the admiralty to transmit herewith the copy of a telegram from the senior naval officer at Gibraltar, relative to supplying a vessel of the Confederate States with coal, and I am to request that you will move Earl Russell to inform their lordships what answer should be sent thereto. My lords have reason to believe that the vessel has not been able to obtain coals, as the merchants are unwilling to take bills on the so-called confederate government; and their lordships would, therefore, be glad to have Earl Russell's opinion, whether the senior officer at Gibraltar should be directed to supply coals required to enable the vessel to leave that port at all, and, if so, whether he is to receive only cash payment or accept bills on the agents of the so-called confederate government.

I am, &c.,
(Signed) W. G. ROMAINE.

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[16] *[Inclosure in No. 16.]

Captain Warden to the secretary to the admiralty.

[Telegraphic.]

GIBRALTAR, *February* 11, 1862,

Captain of the confederate steam-vessel cannot obtain coals in the market. Has asked me supply him with 150 tons from the dock-yard, and I have refused. Should I supply him in order that he may quit the port?

No. 17.

The law-officers of the Crown to Earl Russell.

[Immediate.]

DOCTORS' COMMONS,
February 12, 1862. (Received February 13.)

MY LORD: We are honored with your lordship's command signified in Mr. Hammond's letter of the 11th instant, stating that he was directed by your lordship to transmit to us herewith a letter from the war office, requesting to be enabled to return an answer to a question in regard to the stay of the confederate ship of war Sumter at Gibraltar, which had been asked by the governor of that fortress.

Mr. Hammond was also pleased to state that it appeared to your lordship that the Sumter had not entered the port of Gibraltar after the

notification at that port of the rules contained in your lordship's letter to the admiralty of 31st of January, which he therewith transmitted to us, but that if she went away and returned she would be subject to the rules as promulgated; but that your lordship requested that we would take the question into our consideration with reference generally to the rules laid down in your lordship's letter, and at our earliest convenience report our opinion as to the answer which should be returned to the governor of Gibraltar.

In obedience to your lordship's commands, we have taken these papers into consideration, and have the honor to report—

That the governor may be informed that, under the circumstances stated, the Sumter, not having entered the port of Gibraltar after the notification of the rules and orders in question, cannot be required to depart within the 3d rule.

If she should have made use, or should hereafter make use, of the port or territorial waters of Gibraltar as a station or place of resort for any warlike purposes, (such as for the purpose of making, or cruising with intent to make, hostile captures of ships,) she may be ordered by the governor to depart under Rule 2; and it will be competent for Her Majesty, at her discretion, to send special instructions to the governor as to his requiring her to depart, treating her in this respect as the Tuscarora was treated at Southampton. She is in all respects subject to Rule 4.

We have, &c.,
(Signed) J. D. HARDING.
WM. ATHERTON.
ROUNDELL PALMER.

No. 18.

Mr. Hammond to the secretary to the admiralty.

WASHINGTON, *February* 13, 1862.

SIR: With reference to your letter of the 12th instant, inclosing copy of a telegram from the senior naval officer at Gibraltar, requesting instructions as to supplying the Sumter with coals, I am directed by Earl Russell to request that you will inform the lords commissioners of the admiralty that his lordship thinks it unadvisable that any coal should be supplied to that vessel from the public stores.

I am, &c.,
(Signed) E. HAMMOND.

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[17] *No. 19.

Mr. Hammond to Major General Sir E. Lugard.

[Immediate.]

FOREIGN OFFICE, *February* 14, 1862.

SIR: I am directed by Earl Russell to acknowledge the receipt of your letter of the 11th instant, requesting information as to the answer which should be returned to inquiries made by the governor of Gibraltar

relative to the presence of the steamer Sumter at that port; and I am to state to you, in reply, for the information of Secretary Sir G. C. Lewis, that Lord Russell, after consultation with the law advisers of the Crown, is of opinion that Sir William Codrington may be informed that, under the circumstances stated, the Sumter, not having entered the port of Gibraltar after the notification of the rules and orders in question, cannot be required to depart within the 3d rule.

If she should have made use, or shall hereafter make use, of the port or territorial waters of Gibraltar as a station or place of resort for any warlike purposes, (such as for the purpose of making, or cruising with intent to make, hostile captures of ships,) she may be ordered by the governor to depart, under Rule 2. She is in all respects subject to Rule 4.

I am, &c.,
(Signed) E. HAMMOND.

No. 20.

Earl Russell to Lord Lyons.

FOREIGN OFFICE, *February* 14, 1862.

MY LORD: I inclose for your lordship's information copies of correspondence, as noted in the margin,[1] relative to the proceedings of the confederate steamer Sumter at Gibraltar.

I am, &c.,
(Signed) RUSSELL.

No. 21.

The secretary to the admiralty to Mr. Hammond.

[Immediate.]

ADMIRALTY,
February 18, 1862. (Received February 18.)

SIR: I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that the following telegram, dated this day, has been received from Captain Patey, at Southampton, viz:

Packet Ceylon, from Gibraltar, reports Sumter and Tuscarora both at that place on the 13th instant.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 22.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY,
February 19, 1862. (Received February 19.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Her Majesty's secretary of

[1] Nos. 12, 13, 15, 16, and 19.

state for foreign affairs, a copy of a letter, dated the 13th instant, from Captain Warden, at Gibraltar, with copies of its inclosures, relative to supplying the confederate vessel Sumter with coals.

I am, &c.,
(Signed) W. G. ROMAINE.

[18[* [Inclosure 1 in No. 22.]

Captain Warden to the secretary to the admiralty.

PROCRIS, *Gibraltar, February* 13, 1862.

MY LORD: I have the honor to inclose to your lordships, for the information of the lords commissioners of the admiralty, the copy of a correspondence between Captain R. Semmes, of the Confederate States steam-vessel Sumter, and myself on the subject of a supply of coals to that vessel.

I have, &c.,
(Signed) FRED. WARDEN.

[Inclosure 2 in No. 22.]

Commander Semmes, C. S. N., to Captain Warden.

CONFEDERATE STATES STEAMER SUMTER,
Bay of Gibraltar, February 10, 1862.

SIR: I have the honor to inform you that I have made every effort to procure a supply of coal without success. The British and other merchants of Gibraltar, instigated, I learn, by the United States consul, have entered into the unneutral combination of declining to furnish the Sumter with coal on any terms. Under these circumstances I trust that the government of Her Majesty will find no difficulty in supplying me.

By the recent letter of Earl Russell, (January 31, 1861,) it is not inconsistent with neutrality for a belligerent to supply herself with coal in a British port. In other words, the article has been pronounced, like provisions, innoxious; and this being the case, it can make no difference whether it be supplied by the government or an individual, (the government being reimbursed the expense,) and this even though the market was open to me—much more, then, may the government supply me with an innocent article, the market not being open to me. Suppose I had come into port destitute of provisions, and the same illegal combination had shut me out from the market, would the British government permit my crew to starve? Or suppose I had been a sail-ship and had come in dismantled, and the dock-yard was the only place where I could be refitted, would you have denied me a mast; and if you would not deny me a mast, on what principle would you deny me coal, both articles being declared by your government to be innocent? The true criterion is not whether the government or an individual may supply the article, but whether the article itself is noxious or innoxious. The government may not supply me with powder—why? Not because I may have recourse to the market, but because the article is noxious. A case in point occurred when I was in Cadiz recently. My ship was admitted into a government dock and there repaired—and why? First, because the repairs were innocent; and secondly, because there were no private docks in Cadiz.

So here the article is innocent, and there is none in the market, (accessible to me.) Why may not the government supply me?

In conclusion, I respectfully request that you will supply me with 150 tons of coal, for which I will pay the cash, or if you prefer it I will deposit the money with an agent, who can have no difficulty, I suppose, in purchasing the same amount of the material from some one of the hulks and returning it to Her Majesty's dock-yard.

I have, &c.,
(Signed) R. SEMMES.

[Inclosure 3 in No. 22.]

Captain Warden to Commander Semmes.

CUCKOO, *Gibraltar, February* 10, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, requesting to be supplied with 150 tons of coals from the government stores, in consequence of your being unable to obtain them in the market, in consequence, as you believe, of a combination against you for that purpose, and to inform you, in reply, that my instructions prohibit me from supplying the foreign men-of-war of any
[19] nation with coals, * either by purchase or otherwise, from the government depot as long as there are any in the market.

I have, &c.,
(Signed) FRED. WARDEN.

No. 23.

Major General Sir E. Lugard to Mr. Hammond.

WAR OFFICE,
February 21, 1862. (Received February 21.)

SIR: I am directed by the secretary of state for war to transmit to you, for the information of Earl Russell, the accompanying copy of a dispatch from Lieutenant General Sir William Codrington, in continuation of his previous reports respecting the proceedings taken in regard to the Federal and confederate steamers lying in Gibraltar waters.

I have, &c.,
(Signed) EDWARD LUGARD.

[Inclosure 1 in No. 23.]

Lieutenant General Sir W. Codrington to Sir G. Lewis.

GIBRALTAR, *February* 12, 1862.

SIR: I have the honor to acknowledge the receipt of your letter, with its inclosures, on the subject of enforcing neutrality in English waters, between Federal and confederate ships.

2. The proper notices have been published; a separate notice has this day been sent to the confederate steamer Sumter, and a similar notice was sent to the Federal steamer Tuscarora upon her anchoring about 1 o'clock to-day in Gibraltar.

3. I inclose copies of various documents which have passed between myself, Captain Semmes of the Sumter, and the American consul.

4. Before receiving my letter of 12th instant, Captain Semmes called upon me. His object was to press upon me the "act of war," and therefore breach of neutrality committed in tampering with his men; but he seemed satisfied to a certain extent when I told him verbally the general contents of the consul's answer, and his positive denial of his having done anything of the kind. Captain Semmes wished me, "according to custom," to turn his men who had deserted outside the walls. I told him this was not the rule; it was the exception, and as long as they conducted themselves properly I should decline doing so harsh an act.

5. You will understand the tenor of our conversation by the terms of my letter of the 12th instant, which I gave into his hands.

6. He wished to obtain from me an assurance that the Tuscarora (whose arrival was announced while he was with me) would be prevented by force from following him before the expiration of the twenty-four hours. I answered that I could give him no such assurance in conversation; that it was a naval question, as well as one for my decision, but that I was quite ready to give him a written answer to his letter of inquiry.

7. I have no doubt, however, that Captain Warden, R. N., will feel, as I do, that the intention of Her Majesty's government is to cause that rule to be strictly observed by both parties, and by force, if necessary.

I have, &c.,
(Signed) W. J. CODRINGTON.

[20] * [Inclosure 2 in No. 23.]

Commander Semmes, C. S. N., to Captain Freeling.

CONFEDERATE GUN-STEAMER SUMTER,
Bay of Gibraltar, February 10, 1862.

SIR: I have the honor to state, for the information of his excellency the governor of Gibraltar, that I am informed and believe that the United States consul at this place has, by means of his emissaries, tampered with and seduced from their allegiance several of the crew of my ship who have visited the shore on liberty. The impropriety and illegality of such conduct are so manifest that I take it for granted his excellency will interpose his authority for my protection. Great Britain having proclaimed a strict neutrality in the war now pending between the United States and the Confederate States, is under the obligation, I respectfully suggest, not only to abstain herself from an unneutral conduct, but to see that all persons whatsoever within her dominions so abstain. No act of war, proximate or remote, should be tolerated in her waters by the one belligerent against the other, or by any citizen or resident against either belligerent; his excellency will doubtless concur with me in the justice and propriety of the rule thus stated. To apply this rule to the present case: being prompted by motives of humanity to send my crew on shore in small detachments, for exercise and recreation, after a long confinement on shipboard, my enemy, the United States consul, sends his agents among them, and by specious pretenses, persuades them to desert their ship and take refuge under his consular flag. This has been done in the cases of the following seamen, viz: Everett Salmon, John J. Jenkins, Thomas F. Penny, and perhaps others. Here is an act of war perpetrated against me in neutral territory, and the consular residence or office has become, *quoad hoc*, a hostile camp; and this conduct is the more objectionable in that the nationality of most of the men is not American. His excellency, as a soldier, knows that no crime is regarded with greater detestation, in the present civilized age of the world, than the one here described. As between contending armies in the field, an offender, caught in the perpetration of such an act, would be subjected to instant death, and this not only because the act is an act of war, but because it is a dishonorable act of war; and can an enemy make use of neutral territory to do that which would subject him to an ignominious death if he were without such territory, and within reach of the opposite belligerents? When my men came within his excellency's jurisdiction I lose all control over them, and must rely upon his comity to regain possession of them. If they leave me of their own free will, in the absence of the recognition of my government and of treaty stipulations, perhaps I have no remedy; but when I permit them to go on shore and enter the jurisdiction of a neutral and friendly power, I do so with the just expectation that they will receive the shelter and protection of the neutral flag, and that they will not be permitted to be run off by my enemy; and to wheedle and entice a sailor from his ship, and that, too, when, perhaps, he is half drunk, is little better than kidnaping him.

In the present case the violation of the neutral jurisdiction is as complete as if the consul had seized my men by force, for he has accomplished the same object, to wit, weakening his enemy by strategem—a strategem practiced by one belligerent against another. If this act had been committed by a military or naval officer of the enemy transiently within the limits of Gibraltar, every one would have been surprised at it, and would have exclaimed against it as a flagrant violation of the laws of nations and is the offense of less magnitude when committed by a consul, who is peculiarly favored by the laws of nations as an officer of peace, and one whose pursuits lie wholly in the walks of commerce? Mr. Sprague, the United States consul, is a gentleman whom I have heard favorably spoken of, and it is barely possible I may do him injustice, imputing to him the conduct described; but the evidence comes to me in a very satisfactory shape, and I shall be ready to produce it if the allegation be denied. Should the proof be made out to his excellency's satisfaction, I shall deem it my duty to request that the consul be suspended from his functions, and that the question of withdrawing his exequatur be referred to the British government.

I have, &c.,
(Signed) R. SEMMES.

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[21] * [Inclosure 3 in No. 23.]

Captain Freeling to Mr. Sprague.

SECRETARY'S OFFICE, *Gibraltar, February* 10, 1862.

SIR: I am directed by the governor to inform you that his excellency has received a letter of complaint from Captain Semmes, with regard to your conduct as United States consul, viz, that you have, by means of your emissaries, tampered with and seduced

from their allegiance several of the crew of the Sumter, who have visited the shore on liberty.

Captain Semmes particularly refers to Everett Salmon, John Jenkins, and Thomas Penny, three seamen of the Sumter, and he further states that you have persuaded some of his men to take refuge under your consular flag.

Captain Semmes adds, that the evidence has come to him in a very satisfactory shape, and that he will be ready to produce it, if the allegation be denied.

The governor requests you will give me information on these points.

I have, &c.,
(Signed) S. FREELING,
Colonial Secretary.

[Inclosure 4 in No. 23.]

Mr. Sprague to Captain Freeling.

GIBRALTAR, *February* 11, 1862.

SIR: I have the honor to acknowledge the receipt of your communication of yesterday's date, having regard to a letter from Captain Semmes, of the steamer Sumter, to his excellency the governor, complaining, as you inform me, of my conduct as United States consul, and stating that I have, by means of emissaries, tampered with and seduced from their allegiance several of the crew of the Sumter who have visited the shore on liberty, and, further, that I have persuaded some of the men of the Sumter to take refuge under the flag of the consulate.

In reply, I beg to lay before you the following statement of facts, having particular reference to the three seamen whose names are mentioned in your letter.

On or before the 7th instant a seaman belonging to the Sumter, by name John Jenkins, presented himself at this consulate in an intoxicated state; he inquired for the American consul, and as I was present he claimed my protection as an American citizen, stating to me that he and many others were being forced to return on board the Sumter; that he preferred to die rather than return on board; that he was a Cape Cod man, and wished to go back to his native place. I replied by telling him to go away and get sober, and that I would speak to him later. Upon this he left the consulate, and I immediately honored myself by calling upon the governor, accompanied, as you will doubtless recollect, by yourself. I then informed his excellency of what had been stated to me by Jenkins, and which I have above detailed, and his excellency the governor thereupon promised that the seamen of the Sumter should not be ill-treated, or forced on board against their will; that he would not permit the neutrality of this port to be violated, and that he would give his orders accordingly.

On the 7th instant two other seamen from the Sumter presented themselves at this consulate, one of them, I think, named Thomas Penny, and finding me there, also claimed my protection, stating that they belonged to the city of New York. I instantly sent for a policeman, and requested him to take these seamen before the police magistrate, with a note from me, (of which I beg to inclose a copy,) with which request the policeman complied. I am not aware of what took place before the magistrate with respect to these seamen. In about two hours a policeman came to this consulate, and in the name of the police magistrate brought to me another seaman belonging to the Sumter, called Everett Salmon, who had his face frightfully bruised, and who likewise claimed my protection as an American, and desired to be sent to his home. I immediately sent this man away, advising him to have his injuries attended to, and to conduct himself steadily and quietly.

Since the above occurrences, I have had daily applications at this consulate from seamen of the Sumter claiming protection, and in all cases desiring to be sent to their homes, and in every instance I have sent them to the police office, there to prefer their complaints, (if any,) or to relate their cases, and I have at the same time informed
[22] them that *this being a neutral port, I could not become security for their residence here, or at the present moment take steps for sending them to America.

Beyond what is above stated, and always recommending them, on the occasions referred to) of their visits to this consulate, peaceable conduct in the town, I have never had, or indeed desired to have, any communication, directly or indirectly, with the crew of the Sumter, their coming to me and absence from their vessel being purely voluntary, and wholly, to the best of my knowledge, unconnected with persuasion of any kind.

I trust that the above statement will alone relieve me from any suspicions that his excellency the governor might entertain as to the possibility of my acting or desiring to act in the manner pointed out by Captain Semmes; but if this should not be the case, then I would respectfully solicit from his excellency that he will do me the justice to cause each one of the seamen in question to be examined, and thereby satisfy himself that as the representative at this port of the United States of America, I have

acted in a position which is not devoid of difficulty as honorably and judiciously as the circumstances of the case could warrant.

I have, &c.,
(Signed) HORATIO SPRAGUE,
United States Consul.

[Inclosure 5 in No. 23.]

Captain Freeling to Captain Semmes, C. S. N.

SECRETARY'S OFFICE, *Gibraltar, February* 12, 1862.

SIR: I am directed by the governor to acknowledge the receipt of your letter of the 10th instant, in which you complain of the conduct of the United States consul in tampering with and seducing from their allegiance some men of the Sumter, persuading them to take refuge under his consular flag, after you had, from motives of humanity, sent them on shore in small detachments for exercise and recreation.

The governor has to remark that the prevention of any such act, if it has taken place, was, and for the future is, in your own hands, viz, by keeping your crew on board your ship and in your own power. If you willingly send your people out of your jurisdiction into a neutral jurisdiction, the neutral authority cannot be called upon to do police duty for you to regain possession of your men, unless under a treaty obligation between the nations. You have indeed correctly described your position by your own words, "If they leave me of their own free will, in the absence of the recognition of my government and of treaty stipulation, perhaps I have no remedy."

I have to inform you that the shelter and protection of the neutral flag which you claim cannot be for one side of the question only. This same shelter and protection is afforded to all individuals of your ship, and of any other ship, when on shore, and voluntarily placing themselves under the authority of the neutral flag. The police magistrate has, by his excellency's desire, personally seen these men, and they declare that they remain here entirely of their own free-will. In the absence of any crime on their part rendering expulsion from the garrison necessary, the governor must decline forcing these men against their consent to return to the Sumter.

The governor has to inform you that there is no refuge under the consular flag of any nation in Gibraltar, as against crimes legally cognizable; no coercion has been excised to prevent the return to you of these men whom the United States consul has always sent to the police magistrate, and not retained in his consulate, although they had claimed his protection. The governor disagrees with your statement that "an act of war has been thus perpetrated against you in neutral territory," nor can he understand any right of claiming such notice and punishment of acts in a neutral territory as might possibly be crimes between contending armies in the field.

There are many intricate questions connected with the state of warfare between the Federal and Confederate States of America. The presence of the Sumter in Gibraltar might be followed or accompanied by the presence of Federal ships of war in this port, and to both parties the governor will insist equally upon such neutrality toward each other while in this port as is recognized by law. While the assistance given to an American seaman by the consul of the United States in this garrison might be regarded by you as a hostile act, yet it may be only his official duty toward his Government, or even an act of humanity, if by quitting your ship he is left in a state of distress in a foreign country,

I have, &c.,
(Signed) S. FREELING,
Colonial Secretary.

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[23] * [Inclosure 6 in No. 23.]

Captain Freeling to Captain Semmes, C. S. N.

SECRETARY'S OFFICE, *Gibraltar, February* 12, 1862.

SIR: I have the honor to inclose, for your information, a copy of instructions that have been received by the governor of Gibraltar for his guidance during the existing hostilities between the United States and the States calling themselves Confederate States of America.

His excellency desires me to inform you that the rules laid down will be strictly enforced in this garrison and territory.

I have, &c.,
(Signed) S. FREELING,
Colonial Secretary.

[Inclosure 7 in No. 23.]

Captain Freeling to Commander Craven, U. S. N.

SECRETARY'S OFFICE, *Gibraltar, February* 12, 1862.

SIR: I am directed by his excellency the governor of Gibraltar to inclose an official copy of rules laid down with regard to the belligerent vessels entering this port.

These rules are a confirmation of those which had previously been imposed upon and observed by the commander of the confederate steamer Sumter, by a letter dated 28th ultimo, an extract from which is as follows:

"You are aware of the determination of Her Majesty's government to maintain the strictest neutrality in the hostilities which are now being carried on between the United and Confederate States of North America. In order to cause that neutrality to be effectually respected throughout the Queen's dominions, Her Majesty has directed (in accordance with a long-established European practice) that no ship of war, privateer, or other armed vessel belonging to either of the belligerents which shall anchor in any British port shall be allowed to quit her anchorage within twenty-four hours after any vessel belonging to the adverse belligerent, whether armed or unarmed, shall have left the same port.

"In order to give effect to Her Majesty's orders, I am to desire that, on the arrival of any such armed vessel in any port or roadstead within your government, you will notify this rule to her commander, and will inform him that in case he should infringe it his government will be held responsible by that of Great Britain for violating the neutrality of British waters."

I forward this extract in order that there shall be no misunderstanding as to this rule being in force at once at Gibraltar.

It is necessary to inform you that any act of hostility attempted within the jurisdiction of Gibraltar will be at once prevented by all the means at the disposal of English authority.

It would be agreeable to the governor to know that your understanding of the obligations of international law is similar to that herein laid down, and that you will act accordingly, in which case he would repose full confidence in you, as he has in others, that the neutrality of this port would not be infringed.

The governor communicated on the 6th instant to the commander of the Sumter his desire that no person under the rank of an officer should land or be sent to the water-port or other parts of this fortress armed, and he requests you will give similar orders to those under your command.

I have, &c.,
(Signed) S. FREELING,
Colonial Secretary.

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[24] *[Inclosure 8 in No. 23.]

Commander Craven, U. S. N., to Captain Freeling.

UNITED STATES STEAMER TUSCARORA,
Gibraltar Bay, February 13, 1862.

SIR: I have the honor to acknowledge the receipt of your communication of the 12th instant, inclosing a copy of the rules respecting belligerents.

His excellency the governor may be assured that it is my intention to comply with all the requirements of British neutrality.

I have, &c.,
(Signed) J. A. CRAVEN.

No. 24.

Mr. *Hammond to the secretary to the admiralty.*

FOREIGN OFFICE, *February* 21, 1862.

SIR: With reference to your letter of the 19th instant, inclosing copies of a correspondence which has passed between Captain Warden, the senior naval officer at Gibraltar, and the commander of the confederate steamer Sumter, relative to supplying that vessel with coals, I am di-

rected by Earl Russell to request that you will state to the lords commissioners of the admiralty that his lordship is of opinion that Captain Warden's conduct in the matter should be approved.

I am, &c.,
(Signed) E. HAMMOND.

No. 25.

Major General Sir E. Lugard to Mr. Hammond.

WAR OFFICE, *February* 21, 1862. (Received February 21.)

SIR: With reference to my letter of the 11th and your reply of the 14th instant, respecting a question which had been raised by the governor of Gibraltar in regard to the application, in the case of the confederate steamer Sumter, of the instructions recently issued to him on matters connected with the hostilities now being carried on in North America, I am directed by the secretary of state for war to transmit to you, for the consideration of Earl Russell, the inclosed copy of a further dispatch which has been received from Sir William Codrington on this subject.

I have, &c.,
(Signed) EDWARD LUGARD.

[Inclosure in No. 25.]

Lieutenant General Sir W. Codrington to Sir G. Lewis.

GIBRALTAR, *February* 13, 1862.

SIR: 1. The question referred to in my telegram of the 10th instant arises from the following consideration of the instructions of Earl Russell of the 31st January, 1862.

2. After laying down stringent and exceptional rules relating to the presence of belligerent vessels in the Bahamas, near the seat of war between the belligerents, these instructions in the third paragraph refer to the colonies and other provinces of Great Britain, including, of course, Gibraltar.

3. They mention belligerents who shall enter English ports after a particular notification has been made; and they further direct that the notification shall not be in force for a period of six days after publication. The instructions arrived here on the 10th instant, and were published on the 11th instant. The Sumter had anchored in Gibraltar on the 18th January last, three weeks previously, and has remained quiet up to this date, with no attempt at any breach of neutrality by ship or crew.

[25] *4. The Tuscarora arrived here on the 12th instant, before the expiration of the six days' notice published on the 11th, but which are not to come in force until the 18th instant.

5. The question therefore is, whether both the Sumter and Tuscarora, not having entered the port after the notification has become effective, viz, after six days' notice, are to be ordered off within twenty-four hours, and not allowed to receive coal from private individuals, except under the restrictions laid down in the fourth paragraph.

6. Until I receive different instructions my understanding is that these two vessels do not come under the operation of the instructions of Earl Russell, dated the 31st January, 1862.

7. You will, however, have seen by the correspondence inclosed to you in other dispatches, that the maintenance of international law, as understood before the receipt of these instructions, will be enforced upon both belligerents.

7. Mr. Sprague, the consul for the United States in this city, has just informed me that the Tuscarora is going across the bay to Algeciras immediately, there to coal.

I have, &c.,
(Signed) W. J. CODRINGTON.

No. 26.

Mr. Hammond to Major General Sir E. Lugard.

FOREIGN OFFICE, *February* 24, 1862.

SIR: With reference to your letter of the 21st instant, I am directed by Earl Russell to request that you will inform Secretary Sir G. C. Lewis that his lordship concurs in the view taken by the governor of Gibraltar with regard to the application in the case of the United States steamship Tuscarora, and the confederate vessel Sumter, of the rules recently promulgated with regard to the presence of belligerent vessels in British ports.

I am, &c.,
(Signed) E. HAMMOND.

No. 27.

Mr. Drummond-Hay to Earl Russell.

TANGIER,
February 20, 1862. (Received March 3.)

MY LORD: There arrived here yesterday from Gibraltar, on board a French merchant-steamer bound to Cadiz, Lisbon, and Nantes, an officer of the confederate steamer Sumter, named, I believe, Myers, and Mr. Tonsall, late consul for the United States at Cadiz, who, it appears was removed from that post in consequence of his belonging to the secessionist party. These gentlemen, I understand, were booked as passengers for Cadiz or Lisbon, whither, it is reported, they intended to proceed to purchase coal for the Sumter. They landed here to see the town, ignoring that the United States consul, as indeed the consular officers of every nation in Morocco, have the right of exercising jurisdiction over the citizens or subjects of their respective nations, and of requiring the Moorish government, when it is necessary, to aid in their arrest.

M. de Long, the United States consul, on hearing of the arrival of these secessionist gentlemen, sent, as I am told, a message to the governor of the town to request that some Moorish soldiers should be placed at his disposition, to arrest certain United States citizens. The governor acceded to his request, and Mr. Tonsall and Mr. Myers were arrested and conveyed to the United States consulate, where, I understand, they have been placed in irons.

After the arrest, the French acting consul, M. Pélissier, called on me and informed me he had received a message from Mr. Tonsall, with whom he is acquainted, requesting an interview, and M. Pélissier asked me what course I should pursue if these prisoners should apply to me for protection. I replied that I should not interfere in any way in such a matter.

This morning Mr. Doston, an English medical man, who is a resident in Tangier, called on me, bringing a message from the gentlemen
[26] under arrest at the United States *consulate, that they wished to see me. I replied that, as I could not be of the slightest service to them, I must decline acceding to their request.

To prevent any misinterpretation of my conduct on the part of my United States colleague, I took an opportunity of mentioning to him

what had passed, and though he offered, if I desired it, to allow me to visit his prisoners, I declined.

It appears M. Pélissier paid the prisoners a visit, with the consent of M. de Long.

M. de Long informed me he had sent for the United States ship Tuscarora, which is now at Gibraltar, to embark the prisoners.

I have, &c.,
(Signed) J. DRUMMOND-HAY.

No. 28.

Major General Sir E. Lugard to Mr. Hammond.

[Immediate.]

WAR OFFICE,
March 3, 1862. (Received March 3.)

SIR: I am directed by the secretary of state for war to request that you will acquaint Earl Russell that the following telegram has been received from Lieutenant General Sir William Codrington, dated Gibraltar, 1st March, 5.20 p. m.:

An officer of the Sumter, and a southern ex-consul, landed from a French steamer at Tangier, were seized and imprisoned by American consul in consulate.

An American ship of war in Tangier landed thirty armed crew, went to the consulate, and prisoners were forced on board with the acquiescence, though reluctant, of the Moorish authority.

If American ship of war enters Gibraltar, can she keep these prisoners in an English harbor, or must they be released?

Sir George Lewis will be glad to be informed of the answer which, in Earl Russell's opinion, should be returned to this inquiry.

I have, &c.,
(Signed) EDWARD LUGARD.

No. 29.

Mr. Hammond to the law-officers of the Crown.

FOREIGN OFFICE, *March* 3, 1862.

GENTLEMEN: In connection with a recent occurence in Morocco, the particulars of which are stated in the inclosed copy of a dispatch from Her Majesty's minister in that country,[1] the governor of Gibraltar has put the following question to the secretary of state for war:

"If an American ship of war enters Gibraltar, can she keep in an English harbor the prisoners whom she may have on board, or must they be released?"

I am to request that you will take this question into your consideration, and report to Lord Russell at your earliest convenience your opinion as to the terms in which it must be answered.

I am, &c.,
(Signed) E. HAMMOND.

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[1] No. 27.

No. 30.

The secretary to the admiralty to Mr. Hammond.

[Immediate.]

ADMIRALTY,
March 7, 1862. (Received March 7.)

SIR: I am commanded by my lord's commissioners of the admiralty to transmit herewith, for the information of Earl Russell, a copy
[27] of a letter dated the 26th ultimo, from *Captain Warden, the senior officer of Her Majesty's ships at Gibraltar, and of its inclosures, respecting the proceedings of the Tuscarora and Sumter at that port.

I am, &c.,
(Signed) W. G. ROMAINE.

P. S.—My lords request to be informed what instructions should be sent to Captain Warden.

W. G. R.

[Inclosure 1 in No. 30.]

Captain Warden to the secretary to the admiralty.

PROCRIS, *Gibraltar, February* 26, 1862.

MY LORD: I have the honor to transmit to your lordship, for the information of the lords commissioners of the admiralty, copies of a correspondence which has taken place on subjects connected with the Sumter and Tuscarora, and which were communicated to the commander-in-chief by the packet of the 26th instant.

The first is a letter addressed by me to Captain Semmes, in reply to various queries submitted by him for the consideration of his excellency the governor and myself.

No. 2 is a joint letter from the governor and myself to Captain Craven consequent upon that representation.

No. 3 is the reply of Captain Craven addressed to the governor.

No. 4 is a second joint letter from the governor and myself to Captain Craven.

I also annex the orders under which Captain Chads, of the London, is acting in the bay, as well as the supplementary order issued to him and the other ships, in connection with these occurrences.

The two additional letters, numbered 7 and 8, are communications addressed to Commander Craven, of the Tuscarora, by his excellency the governor, in reply to letters received from him; they do not, of course, come properly under my cognizance, but as the governor has furnished me with copies for the purpose of making this use of them, I append them for their lordship's information, in elucidation of the whole subject.

I have, &c.,
(Signed) FRED. WARDEN.

[Inclosure 2 in No. 30.]

Captain Warden to Commander Semmes, C. S. N.

PROCRIS, *Gibraltar, February* 21, 1862.

SIR: With reference to the conversation which you held with me on the 19th instant, and the various points that you then submitted to me for the joint consideration of his excellency the governor and myself, I have the honor to inform you—

1st. That with reference to signals being made from shipping in the bay, the governor has issued an official notification in the Chronicle on that subject.

2d. As regards your complaint, that a boat belonging to the Tuscarora pulled round the Sumter on the 19th instant, Captain Craven has been requested to abstain from sending the boats of his ship into this anchorage so long as the Tuscarora remains in Spanish waters.

3d. That you are at liberty to shift your berth to any part of this anchorage which

may be convenient without forfeiting any privilege thereby; I request, however, before you do so, that you will be good enough to acquaint the captain of the London that you intend moving only for that purpose.

And lastly, with reference to any notice which it might be necessary for you to give before quitting the bay, I have only to remark that the Sumter is free to depart whenever it may suit you, subject, of course, always to the rule, that it must not take place within twenty-four hours of the sailing of any American merchant-vessel.

I am, &c.,
(Signed) FRED. WARDEN.

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[28] *[Inclosure 3 in No. 30.]

Lieutenant General Sir W. Codrington and Captain Warden to Commander Craven, U. S. N.

GIBRALTAR, *February* 20, 1862.

SIR: A boat from the Tuscarora, now at anchor at Algeciras, came across the bay yesterday morning; Captain Semmes complains that she pulled round the Sumter as if watching her.

It is necessary for the maintenance of the neutrality of this port that advantage should not be taken of the close proximity of a foreign anchorage (in some places only two and a half miles distant) in aid of any warlike purpose.

Considering, as we do, that the presence of the boat represents the ship herself, we are of opinion that its presence, under such circumstances, is an infringement of the rules of which you were given a copy on the 12th instant.

We have therefore to request that you will be good enough during the stay of the Tuscarora in the Spanish waters of this bay to abstain from sending your boats at all into these waters.

I have, &c.,
(Signed) W. J. CODRINGTON.
F. WARDEN.

[Inclosure 4 in No. 30.]

Commander Craven, U. S. N., to Lieutenant General Sir W. Codrington.

UNITED STATES STEAMSHIP TUSCARORA, OFF ALGECIRAS,
February 20, 1862.

SIR: I have the honor to acknowledge the receipt of your communication of this day.

The complaint of the captain of the pirate Sumter is without a shadow of truth.

I summoned before me the coxswain of the boat, and in presence of the officer who brought me your letter asked him as to the course he steered in returning from Gibraltar yesterday; he replied that he came straight across, passing somewhat to the southward of the Warrior.

The boat was sent over on business for the ship, and from the course taken by the officer of the boat I know, from my own observation, that he made a great circuit to the southward; the officer who went in the boat has not returned.

I am mortified, sir, in thus being compelled to make explanations against the accusations of a man regardless of truth and honorable sentiment.

Your request that I will not send boats to Gibraltar deprives me of sending for mails or communicating with the United States consul, and I must in good faith inquire whether it is right that, on the loose accusation of a notorious corsair, you desire to prohibit me from intercourse with the town under your command.

(Signed) G. AUGT. CRAVEN.

[Inclosure 5 in No. 30.]

Lieutenant General Sir W. Codrington and Captain Warden to Commander Craven, U. S. N.

GIBRALTAR, *February* 22, 1862.

SIR: Notwithstanding the notice which you received on the 20th instant, requesting you to abstain from sending any boat at all belonging to the Tuscarora into these waters while you were in the Spanish waters of this bay, we observe that your launch, containing three officers, passed to the Waterport this morning from the Tuscarora.

A courteous message was sent to the officer of that boat when at the Waterport, by a lieutenant of Her Majesty's ship London, requesting him to withdraw and return immediately to his own ship, which he did, taking however a quantity of supplies, which, under the circumstances in which the Tuscarora is placed, he ought not to have done without permission.

This occurrence places us under the necessity of acquainting you that, for the future, orders will be given to the officers commanding Her Majesty's ships in this
[29] anchorage to *prevent any boat whatever belonging to the Tuscarora from repeating this breach of our notice conveyed to you on the 20th.

This order does not prevent your communicating with your consul, or with the British territory generally, inasmuch as there is a daily communication by means of a merchant-steamer, and the regular post affords the necessary opportunities for your correspondence.

In the event of your wishing to make any communication to us, which cannot be trusted to other means, we desire that the approach of your boats be limited to a direct course to Her Majesty's ship London, now at anchor in the north part of the harbor, the captain of which ship will transfer your communication to us.

We have, &c.,

(Signed) W. J. CODRINGTON,
F. WARDEN.

[Inclosure 6 in No. 30.]

Orders issued to Captain Chads.

By Captain F. Warden, C. B., R. N., and senior naval officer at Gibraltar.

Memo.

Herewith you will receive a copy of a letter from Earl Russell to the lords commissioners of the admiralty on the subject of the regulations to be observed by the ships of war of the United States and of the Confederate States of America, on the occasion of their resorting to British ports and possessions. This order having been officially promulgated by his excellency the governor on the 12th instant, came into full force on the 18th instant, and they apply to the Tuscarora, now at Algeciras, and to every other Federal or confederate vessel which may in future enter Gibraltar, and as it will be your duty, while stationed in this bay, to enforce the observance of the same, the following remarks are appended for your general information and guidance.

1st. The Sumter having arrived here on the 18th of January does not come under the first part of Rule 3; but the proviso relating to the interval of twenty-four hours does apply to the Sumter.

2d. The Rules 2 and 4 do apply to the Sumter.

3d. A boat from the Tuscarora, now at anchor at Algeciras, came to Gibraltar on the 19th instant, and rowed about, going round the Sumter. Captain Craven, of that ship has, in consequence, been requested by his excellency the governor, and myself, to abstain from sending his boats to this anchorage, so long as the Tuscarora remains in Spanish waters. Should any other instance occur of the infringement of the restriction thus imposed upon him, you are to report the circumstance to me immediately, sending at the same time an officer with a courteous message to the boat, informing that it is not permitted, and requesting him to withdraw at once.

4th. Captain Semmes, of the Sumter, has been informed that he is at liberty to shift his berth to any part of the anchorage, but I have requested him, before he does so, to notify it to you, in order that you may be able to distinguish such movement from a *bona-fide* departure.

5th. No person is to be permitted to supply coal from the shore, or from any vessel within the waters of Gibraltar, without the written permission of his excellency the governor or myself, in order that the provisions of Rule 4 may be observed by us, and enforced upon the belligerents.

And, lastly, the captain of the port has been directed by the governor to give you immediate notice of any symptom which he may observe of an intention to violate these rules and regulations by either party, and also of any signals being made in contravention of the notice published in the Chronicle yesterday, and which is sent to you herewith.

Given under my hand on board the Procris, this 21st day of February, 1862.

(Signed) F. WARDEN.

[30] *[Inclosure 7 in No. 30.]

Orders addressed to Captain Chads.

PROCRIS, *Gibraltar, February* 22, 1862.

Memo.

With reference to the orders dated 21st instant, under which you are acting, I have to acquaint you that the Tuscarora having sent a boat to the Waterport this morning, and taken off supplies without permission, it is my direction that the boats of the London are held in a state of constant preparation for the purpose of preventing any boat belonging to the Tuscarora from passing the London into this bay at all so long as that ship remains in Spanish waters.

It is undesirable that force should be used unless absolutely necessary; but force is to be used rather than permit any violation of the rules laid down.

Similar orders have been issued to the Scylla and Amphion.

(Signed) FRED. WARDEN,
Captain and Senior Naval Officer.

[Inclosure 8 in No. 30.]

Lieutenant General Sir W. Codrington to Commander Craven, U. S. N.

GIBRALTAR, *February* 21, 1862.

SIR: I have to acknowledge the receipt of your letter of yesterday, and to express my regret that you should think it necessary to use such terms in your correspondence with me as the "captain of the pirate Sumter," "notorious corsair," and "a man regardless of truth or honorable sentiment."

I do not wish unnecessarily to be made the recipient of terms of abuse leveled against any one, still less against an officer who, in his written and personal communications with me, under circumstances of annoyance and difficulty to himself, has not forgotten what is due to his own position and to the position of those with whom he was in correspondence.

The government of England has recognized the United States and the so-called Confederate States of America, to be belligerents with belligerent rights. You are aware of this fact, and it renders your terms of "pirate" and "notorious corsair," applied to a confederate vessel in this anchorage, incorrect and offensive to the authority thus granting and maintaining the rights of neutrality.

You have not touched upon the main ground of the decision of Captain Warden and myself as to your boats coming into Gibraltar from Algeciras, viz, that they are, in law, part of the ship itself; and that their presence here, coming from Spanish waters close to Gibraltar, is an infringement of rules which must be observed.

With regard to your being deprived of sending for mails or communicating with the United States consul of Gibraltar while you are at Algeciras, and your inquiry as to my desire to prohibit you from intercourse with this place, I can only say that the decision of Captain Warden and myself, in our joint letter of yesterday, refers only to the points mentioned in that letter; the use of this anchorage will be given and limited to both belligerents equally, but it is not right for one belligerent to obtain for his ship the advantage of absence in a neighboring foreign port, and of presence at the same time in this port, by means of his boats.

It would have been better to have made strict inquiry into the facts as to the course taken by your boat before you declared the complaint to be "without a shadow of truth."

I have to inform you that your boat did not pass "straight across" from the waterport to you, and that it did not pass "somewhat to the southward of the Warrior."

Your boat went out of the straight course materially; it passed to the east, to the north, to the west, and pretty close to the Sumter; it passed north and west of the Samarang port-vessel; afterward between the Peninsular and Oriental hulk and Her Majesty's ship Warrior, going to the north of the Warrior; these facts are established by English officers who saw your boat.

I regret the necessity of having thus to remark upon the expressions and statements in your letter.

Difficult questions arise and official differences may take place under the painful circumstances of the war between the Northern and Southern States of America;
[31] but it *has ever been and still will be a pleasure to me to show to the Navy of the United States the consideration and hospitality which the English government wishes to afford to all those who make use of the harbors under its control.

I have, &c.,

(Signed) W J. CODRINGTON.

[Inclosure 9 in No. 30.]

Lieutenant General Sir W. Codrington to Commander Craven, U. S. N.

GIBRALTAR, *February* 22, 1862.

SIR: I have to acknowledge the receipt of your letter of this day's date, delivered to me by one of the officers of the Tuscarora. I inquired how he came over; he informed me by one of the Tuscarora's boats, which, after the joint letter from Captain Warden and myself, I was surprised to see passing into these waters.

This will be the subject of a separate communication to you.

You state that, in accordance with the rules which I had communicated to you on your first anchoring in Gibraltar, you "promptly departed from British waters." You certainly did so, and entirely by your own free will. I had nothing to say to your departure or to your interpretation of the rules communicated to you.

The confederate steamer Sumter remains here under proper authority, and I decline to discuss with you the rules to which you refer, your particular interpretation of them, or to account to you for my proceedings under them.

In reference to the last sentence in your letter—I quote the words—that "you protest against what appears to be a departure from those rules which require neutrals (meaning, I presume, the English government and myself, as governor of Gibraltar) should be impartial and honest."

If you are aware of the effect of this latter epithet, you have communicated to me for the English government a direct and insulting insinuation, as indecorous for you to have written as it is improper for me to receive.

If you are not aware of it, it is right for me to show you the effect of language which, I trust, a regard for your own position will prevent you from repeating in your correspondence with me.

I have, &c.,
(Signed) W. J. CODRINGTON.

No. 31.

Major-General Sir E. Lugard to Mr. Hammond.

WAR OFFICE, *March* 8, 1862. (Received March 8.)

SIR: I am directed by the secretary of state for war to transmit to you, for the information of Earl Russell, a copy of a dispatch from Lieutenant General Sir William Codrington, forwarding a correspondence which had passed between himself and the captain of the United States steamer Tuscarora, in reference to the course pursued by the latter in sending a boat into Gibraltar waters to watch the confederate steamer Sumter.

Sir George Lewis requests to be informed whether Earl Russell considers that the conduct of Sir William Codrington may be approved.

I have, &c.,
(Signed) EDWARD LUGARD.

[Inclosure 1 in No. 31.]

Lieutenant-General Sir W. Codrington to Sir G. Lewis.

GIBRALTAR, *February* 22, 1862.

SIR: I have the honor to inform you that, in consequence of a conversation with Captain Warden, senior naval officer, had with Captain Semmes, of the Confed-
[32] erate * States steamer Sumter, I caused a notice to be inserted in the Gibraltar Chronicle, of which the following is an extract:

"With reference to the neutrality ordered to be observed in British possessions between the United States and the States calling themselves the Confederate States of America, notice is hereby given that no signals are to be made communicating to one belligerent the proceedings of the other."

I also, in conjunction with Captain Warden, addressed a letter to Captain Craven,

of the United States steamer Tuscarora, a copy of which I transmit, together with that officer's reply.

Captain Craven's answer was couched in such language that I felt it my duty to comment upon it, and I inclose a copy of my letter.

I have, &c.,
(Signed) W. J. CODRINGTON.

[Inclosure 2 in No. 31.]

Lieutenant General Sir W. Codrington and Captain Warden to Commander Craven, U. S. N. February 20, 1862.

[See inclosure 3 in No. 30.]

[Inclosure 3 in No. 31.]

Commander Craven, U. S. N., to Lieutenant General Sir W. Codrington, February 20, 1862.

[See inclosure 4 in No. 30.]

[Inclosure 4 in No. 31.]

Lieutenant-General Sir W. Codrington to Commander Craven, U. S. N., February 21, 1862.

[See inclosure 8 in No. 30.]

No. 32.

The law-officers of the Crown to Earl Russell.

DOCTORS' COMMONS,
March 7, 1862. (Received March 10.)

MY LORD: We were honored with your lordship's commands, signified in Mr. Hammond's letter of the 3d March instant, stating that, in connection with a recent occurrence at Morocco, the particulars of which are stated in the inclosed copy of a dispatch from Her Majesty's minister in that country, the governor of Gibraltar had put the following question to the secretary of state of war: "If an American ship of war enters Gibraltar can she keep in an English harbor the prisoners whom she may have on board, or must they be released?" and to request that we would take this question into our consideration, and report to your lordship, at our earliest convenience, our opinion as to the terms in which it must be answered.

In obedience to your lordship's commands we have taken this question into consideration, and have the honor to report—

That the question of the governor of Gibraltar must be answered to the effect that he has no jurisdiction or power to liberate prisoners on board foreign national vessels of war which may enter or be in the port or territorial waters of Gibraltar.

Foreign ships of war, even when in the ports or territorial waters of other nations, are considered, internationally, as extra-territorial; and by the law and usage of nations, the local authorities abstain from exercising any jurisdiction over the persons who may be on board of them-

If the prisoners were landed and put on shore it would be otherwise. In that case, they could not any longer be detained or kept as prisoners. (Vattel., lib. 3, cap. 7, sect. 132.)

We have, &c.,
(Signed) J. D. HARDING.
WM. ATHERTON.
ROUNDELL PALMER.

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[33] *No. 33.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *March* 10, 1862.

SIR: I have laid before Earl Russell your letter of the 7th instant, requesting, by direction of the lords commissioners of the admiralty, to be informed what instructions should be given to the senior naval officer at Gibraltar with reference to certain proceedings on the part of the United States ship of war Tuscarora, now lying at Algeciras; and I am to state to you, in reply, that Lord Russell concludes that Sir George C. Lewis will send to the governor of Gibraltar, who has reported the transaction in question to the war department, such instructions as he may see fit to address to him, in conformity with Lord Russell's letter of the 31st of January.

I am, &c.,
(Signed) E. HAMMOND.

No. 34.

Mr. Hammond to Major-General Sir E. Lugard.

FOREIGN OFFICE, *March* 10, 1862.

SIR: I have laid before Earl Russell your letter of the 8th instant, inclosing a dispatch from the governor of Gibraltar, with copies of a correspondence in which he has been engaged with the captain of the United States steamer Tuscarora, lying at Algeciras, and requesting to be informed whether Lord Russell considers that the governor's conduct may be approved.

The board of admiralty have communicated to this office copies of the same correspondence, together with other papers received by them from the senior naval officer at Gibraltar, and have requested to be informed what instructions should be given to that officer.

I have stated to the board of admiralty, by Lord Russell's direction, that his lordship concludes that Sir George C. Lewis will send to the governor of Gibraltar such instructions as he may see fit to address to him in conformity with Lord Russell's letter of the 31st of January; and, in reply to your present letter, I am to request that you will acquaint Sir George Lewis that Lord Russell considers that the conduct of the governor of Gibraltar is to be viewed with reference to the statements and directions in that letter.

I am, &c.,
(Signed) E. HAMMOND.

No. 35.

Lieutenant-General Sir W. Codrington to Earl Russell.

[Telegraphic.]

GIBRALTAR,
March 14, 1862. (Received March 14.)

Upon inquiry of the American consul, I am told that the prisoners have not been given up.

The United States ship of war Ino took them to sea and transferred them as prisoners to an American merchant-ship for America. The Ino has returned to Algeciras.

No. 36.

Mr. Mason to Earl Russell.

109 PICCADILLY, LONDON,
March 15, 1862. (Received March 15.)

MY LORD: I have the honor to transmit to your lordship herewith copies of two letters addressed to me by Captain Semmes, of the [34] confederate steamer Sumter, then at *Gibraltar, with the documents accompanying those letters, concerning the arrest of the paymaster of his ship, together with another citizen of the Confederate States, by the Moorish authorities at Tangier, at the instigation of the consul of the United States at that place.

These documents contain an authentic statement of the facts touching this remarkable occurrence, and I am induced to send them to your lordship because of the late inquiries made in the House of Commons concerning this affair, and the answer given by Mr. Layard, under-secretary for the foreign department.

Captain Semmes's letter to me of March 3 shows that the two gentlemen so arrested have not been released, but, on the contrary, were, on the 26th February ultimo, handed over as prisoners to the commander of the United States sloop of war Ino, where they remained at the last report.

The documents herewith are in their order as follows:

1. Captain Semmes to Mr. Mason, February 26, 1862.
2. Captain Semmes to Captain Freeling, colonial secretary, February 22, 1862.
3. Captain Semmes to the governor of Tangier, February 23, 1862.
4. Mr. J. H. Drummond-Hay to Captain Semmes, February 24, 1862.
5. Captain Semmes to Mr. Hay, February 25, 1862.
6. Captain Semmes to Mr. Mason, March 3, 1862.
7. Paymaster Myers to Captain Semmes, February 25, 1862.

I have, &c.,
(Signed) J. M. MASON.

[Inclosure 1 in No. 36.]

Commander Semmes, C. S. N., to Mr. Mason.

CONFEDERATE STATES STEAMER SUMTER,
Bay of Gibraltar, February 26, 1862.

SIR: I have the honor to inform you that, since the date of my last letter to you,

the facts in the case of the arrest of Paymaster Myers have assumed a more definite shape. They are briefly as follows:

Upon returning to the French packet-steamer lying in the Bay of Tangiers, he was arrested by Moorish soldiers, upon the requisition of the United States consul, who claimed jurisdiction over him as a citizen of the United States under a treaty with Morocco. In my letter of the 24th instant to you I inclosed copies of letters which I had addressed to the governors of Tangiers and Gibraltar on the subject. I now send you annexed copies of letters which have since passed between Mr. Hay, the British chargé resident at Tangier and myself. These letters, together with those already sent, will put you in possession of all the facts of the case, prominent among which is the apparent apathy and indifference of the diplomatic officer, whose mediation had been asked, in the absence of the recognition of our government and of an agent of our own.

Notwithstanding the strong precedent established by all Europe in the Trent affair as to the legality and propriety of friendly interference between a neutral and a belligerent to preserve the peace, Mr. Hay has deemed it his duty not only to preserve silence, but to take especial pains to make his silence known to the government of Morocco.

I have, &c.,
(Signed) R. SEMMES.

P. S.—I have received no reply from the Moorish government to my demand of the 23d.

R. S.

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[35] *[Inclosure 2 in No. 36.]

Commander Semmes, C. S. N., to Captain Freeling.

CONFEDERATE STATES STEAMER SUMTER,
Bay of Gibraltar, February 22, 1862.

SIR: I have the honor to ask the good offices of his excellency the governor of Gibraltar in a matter purely my own. On Wednesday last I dispatched from this port, in a French passenger-steamer for Cadiz, on business connected with this ship, my paymaster, Mr. Henry Myers, and Mr. T. T. Tunstall, a citizen of the Confederate States and ex-United States consul at Cadiz. The steamer having stopped on her way to Tangier, and these gentlemen having gone on shore for a walk during her temporary delay there, they were seized by the authorities, at the instigation of the United States consul, and imprisoned. A note from Paymaster Myers informs me that they are both heavily ironed and otherwise treated in a barbarous manner. I learn further that the pretense upon which the unlawful proceeding was had is that it is authorized by treaty stipulation with the United States. Unfortunately I have not a copy of this treaty in my possession, but I presume it provides in the usual form for the extradition of criminals, and nothing more. I need not say to his excellency that treaties of this description are never applied to political offenders, which, I presume, is the only category in which the United States consul pretends to place these two gentlemen. An occurrence of this kind could not have happened, of course, in a civilized community. The political ignorance of the Moorish government has been shamefully practiced upon by the unscrupulous consul. I understand that the British government has a diplomatic agent resident at Tangier, and a word from that gentleman would, no doubt, set the matter right and insure the release of the unfortunate prisoners, and it is to interest this gentleman in this humane task that I address myself to his excellency. May I not ask the favor of his excellency, under the peculiar circumstances of the case, to address Mr. Hay a note on the subject, explaining to him the facts and requesting his interposition? If any official scruples present themselves, the thing might be done in his character of a private gentleman. The Moorish government would not hesitate a moment if it understood correctly the facts and principles of the case, to wit, that the principal powers of Europe have recognized the Confederate States as belligerents in their war against the United States, and that, consequently, the act of making war against the United States by the citizens of the Confederate States is not an offense, political or otherwise, which a neutral can take cognizance of, and, even if it were the former, no extradition treaty is ever meant to apply to such a case.

I have, &c.,
(Signed) R. SEMMES.

[Inclosure 3 in No. 36.]

Commander Semmes, C. S. N., to the governor of Tangier.

CONFEDERATE STATES STEAMER SUMTER,
Bay of Gibraltar, February 23, 1862.

SIR: I have the honor to inform your excellency that intelligence has reached me of the imprisonment, by the Moorish government at Tangier, of Mr. Henry Myers, the paymaster of this ship, and Mr. T. T. Tunstall, a citizen of the Confederate States, and late United States consul at Cadiz. I learn further that these gentlemen are heavily ironed and otherwise treated with inhumanity. I am utterly at a loss to conceive on what ground this illegal imprisonment can have taken place, though I learn that the United States consul demanded it under some claim of extradition treaty stipulation. A word or two will suffice to set this matter right. It must of course be known to your excellency that the Confederate States have been acknowledged by the principal powers of Europe as belligerents in the war in which they are engaged with the United States, and that, consequently, the paymaster of this ship, in any act of war in which he may have participated, can have been guilty of no offense, political or otherwise, of which any neutral power can take cognizance. Indeed, as before stated, the neutral powers of Europe have expressly recognized the right of the Confederate States to make war against the United States. No extradition treaty therefore can apply to Paymaster Myers. Mr. Tunstall, not being in the military or naval service of the Confederate States, can no more be brought within the terms of any such treaty than
[36] Paymaster Myers. I have, therefore, respectfully to demand, in the name of *my government, and in accordance with the laws and practices of nations, that these two citizens of the Confederate States be set at liberty.

Respectfully, &c.,
(Signed) R. SEMMES.

[Inclosure 4 in No. 36.]

Mr Drummond-Hay to Commander Semmes, C. S. N.

TANGIER, *February* 24, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date, inclosing an open letter addressed by you to the governor of Tangier, relative to the arrest by the United States consul of an officer of the Sumter, and of another gentleman belonging to the Southern States, and requesting me, as an act of humanity, to cause that letter to be delivered to the proper authority. You are aware that Her Britannic Majesty's government have decided on observing a strict neutrality in the present conflict between the Northern and Southern States; it is therefore incumbent on Her Majesty's officers to avoid anything like undue interference in any questions affecting the interests of either party which do not concern the British government; and though, under the circumstances of the present case, I do not refuse to accede to your request to deliver your letter to the Moorish authorities, I think it my duty to signify distinctly to the latter my intention to abstain from expressing an opinion regarding the course to be pursued by Morocco on the subject-matter of your letter.

I have, &c.,
(Signed) J. H. DRUMMOND-HAY.

[Inclosure 5 in No. 36.]

Commodore Semmes, C. S. N., to Mr. Drummond-Hay.

CONFEDERATE STATES STEAMER SUMTER,
Bay of Gibraltar, February 25, 1862.

SIR: I have had the honor to receive your letter of yesterday's date, in reply to mine of the 23d, informing me that "you (I) must be aware that Her Britannic Majesty's government have decided on observing a strict neutrality in the present conflict between the Northern and Southern States; it is therefore incumbent on Her Majesty's officers to avoid anything like undue interference in any questions affecting the interests of either party which do not concern the British government, and though I do not refuse to accede to your request to deliver the letter to the Moorish authorities, I think it my duty to signify distinctly to the latter my intention to abstain from expressing

an opinion regarding the course to be pursued by the Morocco government on the subject-matter of your letter."

While I thank you for the courtesy of delivering my letter as requested, I must be permitted to express to you my disappointment at the course you have prescribed to yourself, of refraining from expressing any opinion to the Moorish government of the legality or illegality of its act. The Confederate States, having ample ability to maintain themselves in the war in which they are engaged with the United States, do not request or expect neutral powers to interfere in their behalf, nor can I conceive how your compliance with my request would have compromised you or your government. I had supposed that the Trent affair, of so recent occurrence, had settled not only the right but the duty of civilized nations of the earth to "interfere" in a friendly manner to prevent war between nations. It cannot escape your observation that the course pursued by Europe in that affair is precisely analagous to that which I requested of you. In that affair, a quarrel arose between the United States, one of the belligerents in the existing war, and Great Britain, a neutral in that war, and, instead of "refraining" from offering advice, all Europe made haste to volunteer it to both parties. The United States were told by France, by Russia, by Spain, &c., that their act was illegal, and that they could, without a sacrifice of honor, grant the reparation demanded by Great Britain. Neither the nations giving the advice nor the nations advised supposed for a moment that there was any breach of neutrality in this proceeding; on the contrary, it was the general verdict of mankind that the course was not only legal, but eminently humane and proper, as tending to allay excite-

[37] *ment and prevent the effusion of blood. If you will run a parallel between the Trent case and the case in hand you will find it difficult, I think, to sustain the reason you have assigned for your forbearance. In that case the quarrel arose between a neutral and a belligerent. So in this case. In that case citizens of a belligerent state were unlawfully arrested on the high seas, in a neutral ship, by the opposite belligerent and imprisoned. In this case citizens of a belligerent state have been unlawfully arrested by a neutral, in neutral territory, and imprisoned. Does the fact that the offense was committed in the former case by a belligerent against a neutral, and in the latter case by a neutral against a belligerent, make any difference in the application of the principle we are considering; and, if so, in what does that difference consist? If A strikes B, is it lawful to interfere to prevent a battle, and if B strikes A is it unlawful to interfere for the same purpose? Can the circumstance that the prisoners seized by the one belligerent in the Trent affair were citizens of the other belligerent alter the application of the principle? The difference, if any, is in favor of the present case; for while the belligerent in the former case was compelled to release its enemies, whom, under proper conditions, it would have the right to capture, in the latter case a neutral is to be advised to release prisoners who are not its enemies, and whom it would have no right to capture under any circumstances. Upon further inquiry I learn that my first supposition, that the two gentlemen in question had been arrested under some claim of extradition, (unfortunately, I have not a copy of the treaty between Morocco and the United States,) was not exactly correct. It seems that they were arrested by Moorish soldiers, upon the requisition of the United States consul, who claimed to exercise jurisdiction over them as citizens of the United States under a provision of a treaty common between what are called the non-civilized and the civilized nations. This state of facts does not alter, in any degree, the reason applicable to the case. If Morocco adopts the *status* given the Confederate States by Europe, she must remain neutral between the two belligerents, not undertaking to judge of the nationality of the citizens of either of the belligerents or to decide any other question growing out of the war which does not concern her own interests. She has no right, therefore, to adjudge a citizen of the Confederate States to be a citizen of the United States, and, not having this right herself, she cannot transfer it by treaty to the United States consul. I trust that you will not understand that I have written in a tone of remonstrance or complaint. I have no ground on which to demand anything of you. The friendly offices of nations, like those of individuals, must be spontaneous; and if in the present instance you have not deemed yourself at liberty to offer a word of friendly advice to a barbarian government (which has evidently erred through ignorance of its rights and duties) in favor of unfortunate citizens of a friendly government, connected with the government which you represent by many ties of consanguinity and interest, I have no remonstrance to offer. You are the best judge of your own actions.

I have, &c.,
(Signed) R. SEMMES.

[Inclosure 6 in No. 36.]

Commander Semmes, C. S. N., to Mr. Mason.

CONFEDERATE STATES STEAMER SUMTER,
Bay of Gibraltar, March 3, 1862.

SIR: I have the honor to inform you that, on the 26th ultimo, Paymaster Myers and Mr. T. T. Tunstall, whose capture and imprisonment at Tangier were reported to you in my last dispatch, were delivered by the United States consul at that place to the commander of the United States sloop of war Ino, on board of which vessel they are now prisoners. The consul was assisted in this nefarious work by Moorish officials and soldiers. It is reported that the European residents at Tangier were so outraged by this proceeding that they assembled in the streets, and would have rescued the prisoners but for the interference of their consuls, headed by Mr. Hay, the British chargé, who advised them to disperse, as the arrest was no business of theirs. Do me the favor to forward the inclosed dispatch to the secretary of the navy. The letter annexed to this dispatch is from Mr. Myers, giving an account of his arrest and imprisonment. By a perusal of it you will perceive with what indignity he was treated.

Do me the favor also to forward the inclosed private letter.

I have, &c.,
(Signed) R. SEMMES.

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[38] [Inclosure 7 in No. 36.]

Mr. Myers to Commander Semmes, C. S. N.

TANGIER, *February* 25, 1862.

SIR: On the 19th, having left Gibraltar for Cadiz, we arrived at Tangier, where the boat was to remain for ten hours. Learning that there was an old friend of mine sick at the hotel I landed for the purpose of seeing him. I paid the visit, and with Mr. Tunstall was returning, and had reached the beach, when we were each roughly seized by two Moors. We saw no one as accuser until we had been brutally dragged for some distance, when we saw a man walking excitedly ahead, saying, as soon as he made his appearance, "Yes, God damn you, you have been burning vessels, have you? I'll see that you burn no more." This man declared himself to be the United States consul. We were after this taken to the consulate, searched, and locked up for an hour in a most disgusting stable. Six or eight brutal Moors then came in and manacled us with irons weighing eight or ten pounds. During the whole of this time we saw nothing of the consul. We were then taken to a room in his house, furnished with beds, and our meals were supplied from the hotel. His conduct the whole time has been most brutal, at one time threatening to dash my brains out with a chair. On the 21st, during the day, I succeeded in getting off the irons from one leg. They are made of a bar of iron, with two rings running through, and riveted. I sawed one of the rivets, got the ring off, and lashed the bar to my leg, and jumped from the window, about eighteen feet. Not knowing the localities, I was soon retaken. In jumping I dislocated one of my toes, which gave me much pain, but a physician soon set it all right. With my foot in that condition the brute wished to double-iron me. The reason that he gave was that he was afraid I would make an attempt on his life. Since the night I tried to escape there have been from three to five filthy Moors eating, sleeping, and living in our room, which is about 12 feet square. We have never pulled off our clothes, not being able to do so, and of course are in a filthy condition. Our treatment has been such that in the worst days of tyranny it could not have been worse. We are forbidden the use of pen, ink, and paper; no one is allowed to see us, and our every movement is watched and reported to the consul. In regard to my duties, I have written and sent by a friend as long a statement as I could make, which I hope you may receive. I suppose that no intervention on your part could do me any good. I hope that every effort will be made to alleviate our condition. My hope and wish were to have shared the fate of our ship. I have done everything to rejoin her, but fortune has been against me. I hope that no blame will attach itself to me. I went to Cadiz by your consent, though I did not desire it, but, as I stated to Mr. Kell, with the desire of hastening the thing, (the procuring of a supply of coal,) more than Mr. T——— would have done. I forgot to mention that when I was retaken blows were showered upon me, with the point of a sword held to my throat, all of it in the presence of the United States consul. He acknowledged that he only seized Mr. Tunstall because he was in company with me. He did not know who I was when he first took me, but has been since informed from Gibraltar. I could bribe my way out, but the price is such that I am precluded, being $5,000. I have offered $500, hoping that you would grant me that amount, it being due to me, and feeling assured that myself and the government would be benefited to

a greater extent than that amount would cover. I am deeply distressed at my misfortune, and almost driven mad by the cowardly indignities heaped upon me. I write by stealth, and my mind is so disordered that I can scarcely think at all. Although the consul acknowledged that he would not have taken Mr. Tunstall except for his being with me, the latter has received the same treatment as myself, and even this morning he was refused paper to write to Mr. Sprague, the United States consul at Gibraltar, for the purpose of procuring some clothing. Mr. Pelissa, a young Englishman, whom I have seen, has promised to call upon you and state everything that he has learned about us. If my release cannot be procured in any way, I would desire to have some clothes sent to me, care of Mr. Harrison, at Mr. Ashton's, Tangier. Could you not make some intervention under a flag of truce with the captain of the Tuscarora? No officer of honor would receive a prisoner under the circumstances of my capture; at least he should investigate it, and release us from the custody of the man who now has us in charge, With the hope that you may do something for us, and that from this great outrage much good may come, I am, &c.,

(Signed) H. MYERS,
Paymaster.

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[39] *No. 37.

Major-General Sir E. Lugard to Mr. Hammond.

WAR OFFICE,
March 18, 1862. (Received March 19.)

SIR: With reference to my letter of the 8th instant, I am directed by the secretary of state for war to transmit to you, for the information of Earl Russell, the accompanying copy of a dispatch from Lieutenant General Sir William Codrington, inclosing copies of a further correspondence which had passed between himself and the captains of the Federal steamer Tuscarora and of the confederate steamer Sumter, and also of a correspondence with Her Majesty's minister at Tangier respecting the two gentlemen who had been arrested at the instigation of the United States consul.

I am to take this opportunity of transmitting a copy of a dispatch which Sir George Lewis addressed to Sir William Codrington on the receipt of your letter of the 10th instant.

I have, &c.,
(Signed) EDWARD LUGARD.

[Inclosure 1 in No. 37.]

Lieutenant General Sir W. Codrington to Sir G. Lewis.

GIBRALTAR, *February* 26, 1862.

SIR: In my dispatch of the 22d instant, I addressed you upon the subject of the United States steamer Tuscarora, anchored at Algeciras, and the confederate steamer Sumter at anchor in this port.

A notice was inserted by my desire in the Gibraltar Chronicle prohibiting any signals being made which should communicate to one belligerent the movements of the other.

Captain Warden, senior naval officer, had had a conversation with Captain Semmes, of the Sumter, on several points, and, after consultation with me, he answered Captain Semmes by a letter dated the 21st instant, of which I inclose a copy.

With reference to the last paragraph in that letter, some explanation is necessary. Captain Semmes wished to secure a right to his time of departure, irrespective of a subsequent departure of merchant-vessels, if he had given a previous notice of his intention. This would, in fact, have been a control over the merchant-vessel for the sake of the convenience of the ship of war. I did not consider this right, as I have no power of preventing the sailing of a United States merchant-vessel at any hour that may suit her. The departure of Captain Semmes must, therefore, depend upon the departure of others.

I now inclose copies of documents which have passed between Captain Warden, myself, and the captain of the Tuscarora. I regret that Captain Craven, commanding that vessel, should have used terms which made strong comment from me necessary.

The Tuscarora, having anchored in Gibraltar on the 12th instant, quitted the port the following day, not by my desire, but of Captain Craven's own free will, and went into Spanish waters.

On the 19th instant a boat from the Tuscarora, at Algeciras, passed round the Sumter, as if observing her. This caused the joint letter from Captain Warden and myself forbidding the entrance of the boats of the Tuscarora into these waters so long as that ship was in the Spanish waters of this bay. On the 22d instant, notwithstanding this notice, the Tuscarora's launch, with three officers, passed into this port, and landing her officers at the Waterport one of them delivered to me a letter from commander Craven, dated the 22d instant. He complained that the Sumter was allowed to remain in undisturbed possession of her anchorage at Gibraltar, while a vessel of the United States Navy was refused; he wished to know under what rule this took place, and, without waiting for answer or explanation, he used the following words, in protesting against "what appears to be a departure from those rules which require that neutrals should be impartial and honest."

These offensive terms will, I trust, be remarked upon by Her Majesty's government.

The rules laid down by Earl Russell were published here on the evening of the 10th and 11th instant, and, therefore, did not come into force until the 18th instant. The Sumter had anchored in our waters on the 18th of January, and, therefore, did not come under the rule for departure after twenty-four hours' stay.

The Tuscarora, although arriving (on the 12th instant) after the first publication, yet it was before the expiration of the six days' notice, and would probably have been equally free from this order for departure had my decision been required.

[40] *But Commander Craven gave his own interpretation to the rule, or suited his convenience for other reasons, and quitted Gibraltar for the neighboring Spanish waters without any communication from me on that subject.

My letter of the 22d instant to Captain Craven is an answer to his remonstrance, the terms of which required very little answer or consideration on my part. I send you a copy of these letters; you will see my comment upon the insinuation which he made of the want of impartiality and honesty.

A joint letter was also written to him by Captain Warden and myself upon the infringement of our directions in his having sent a boat to the Waterport after he had received the notice.

The reasons for this prohibition of the boats of the Tuscarora entering these waters while the ship herself was in this neighborhood in foreign waters, you will find laid down in the joint letter from Captain Warden and myself, dated the 20th instant.

It was reported in Gibraltar, about this date, that two confederate officers, passengers in the French steamer to Cadiz, which touches at Tangiers, had been arrested and imprisoned by Moorish soldiers, on the claim of the United States consul, M. de Long.

On the 22d instant a letter from Captain Semmes, of the Sumter, requested my good offices on behalf of these two individuals, one of whom was Mr. Myers, his paymaster; the other was Mr. Tunstall, ex-United States consul at Cadiz. I did not know how such an arrest could have been inflicted by the Moorish government upon gentlemen innocent, apparently, of any crime in Morocco; and I was not aware of what treaties or powers existed in the consuls of the foreign powers resident at Tangiers.

There could be no objection to my asking Mr. Hay, Her Majesty's resident minister, if he could inquire for me, and alleviate the sufferings of these gentlemen, if there was truth in fact of their being heavily ironed.

I accordingly wrote to Mr. Hay a letter on the 23d instant, of which I inclose you a copy, as well as a copy of Mr. Hay's answer. He informed me of the powers of consuls generally as to the arrest of individuals of their own nation, and that under the demands in usual cases the Moorish government never inquired into the cause of arrest.

The colonial secretary, Captain Freeling, took over my dispatch, and brought me detailed information as to the facts, which showed that it was a question entirely between the Moorish government and M. de Long, the United States consul, and that he, Mr. Hay, could not advise or interfere as to the course to be taken.

A visit from M. de Long, and a return visit to him from Mr. Hay, enabled Mr. Hay, unofficially, to suggest that the prisoners should be treated generously by the American consul, and that their fetters should be taken off.

Captain Freeling also conveyed to Mr. Hay a letter from Commander Semmes, inclosing one to the Governor of Tangiers. You will see in Mr. Hay's letter to me the clear restriction which he imposed on himself in being merely the deliverer of this letter, abstaining from all advice or remark upon a question in the hands of the American consul and the Moorish government solely.

The close neighborhood of Tangiers to Gibraltar, with the official as well as the legal relations, by means of the supreme court, which subsist between the English authorities of the two places, naturally produce inquiry and interest in the proceedings of the

Moorish government with regard to the privileges and acts of all consuls resident in Morocco.

I am not aware of the treaties, whether for consular purposes or for extradition of criminals, which may exist between Morocco and the United States of America; but they must give large powers if they can be used to carry out such an imprisonment as that made by M. de Long, the United States consul.

There are also treaties between Morocco and England, but whatever power or custom may exist under them, it is scarcely possible that any arrest of a similar nature could have been justly attempted by English authority in order to place in irons gentlemen who, on the faith of being in neutral territory, landed from a passenger steamboat for a walk in the town of Tangiers.

I have, &c.,
(Signed) W. J. CODRINGTON.

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[41] *[Inclosure 2 in No. 37.]

Commander Craven to Sir W. Codrington.

UNITED STATES STEAMER TUSCARORA,
Off Algeciras, February 22, 1862.

SIR: I have the honor to submit to you that, on my arrival in the waters of Gibraltar, on the 12th instant, I received from the colonial secretary, under your instructions, an official copy of "Rules laid down with regard to belligerent vessels entering the port."

In accordance with those rules, I, with the vessel under my command, promptly departed from British waters. I observe, however, that the corsair Sumter remains in undisturbed possession of her anchorage at Gibraltar.

May I ask, sir, under what section of the rules that vessel is permitted to remain in British waters while a vessel belonging to the United States is excluded?

In behalf of the Government of the United States, and under the well-defined usages of international law, I have to protest against what appears to be a departure from those rules, which require that neutrals shall be impartial and honest.

I have, &c.,
(Signed) J. A. CRAVEN.

[For other correspondence, see inclosures in No. 30.]

[Inclosure 3 in No. 37.]

Sir G. Lewis to Sir W. J. Codrington.

WAR-OFFICE, *March* 11, 1862.

SIR: I have received your dispatch of the 20th February, inclosing copies of a correspondence which had passed between yourself and the captain of the United States steamer Tuscarora.

I have, in reply, to acquaint you that Her Majesty's government are desirous that you should confine yourself strictly to the letter of the instructions contained in Earl Russell's letter of the 31st January, a copy of which was communicated to you in my dispatch of the 3d ultimo, and not on any account to exceed them.

The boats of the Tuscarora must be permitted to come into the port of Gibraltar, but you were right in preventing their causing any annoyance to the vessels of the other belligerent.

You will be careful to avoid all unnecessary correspondence with either party, especially of an irritating tendency, confining yourself as far as possible to mere matters of detail.

I have only to add an expression of my wish that you should communicate with Captain Warden, the senior naval officer, who has received from the lords commissioners of the admiralty instructions for his guidance in this matter.

I have, &c.,
(Signed) EDWARD LUGARD,
For Secretary of State for War.

No. 38.

Earl Russell to Lord Lyons.

FOREIGN OFFICE, *March* 20, 1862.

MY LORD: I think it right to put your lordship in possession of the accompanying papers, which I have received from the war department and the board of admiralty,[1] being the correspondence which has passed between the British naval and military authorities at Gibraltar, on the one part, and the commanders of the confederate steamer Sumter
[42] *lying at Gibraltar, and the United States steamer Tuscarora lying at Algeciras, on the other, respecting certain measures taken by the latter vessel, which, in the opinion of the British officers, implied an assumption to do in British waters acts which were inconsistent with international usage, and with the neutrality of the port of Gibraltar.

Her Majesty's government might indeed very reasonably instruct your lordship to call the attention of the Government of the United States to the conduct and language of the captain of the Tuscarora, which they feel sure will not meet with the approval of that Government; but they do not wish under the pecular circumstances of the case to appear oversensitive; and I therefore only forward the papers to your lordship in order that you may be fully informed of what has occurred.

I am, &c.,
(Signed) RUSSELL.

No. 39.

Mr. Layard to Major-General Sir E. Lugard.

FOREIGN OFFICE, *March* 21, 1862.

SIR: I am directed by Earl Russell to state to you, for the information of Secretary Sir G. C. Lewis, that his lordship concurs in the instruction addressed to the governor of Gibraltar with regard to the Tuscarora, of which a copy accompanies your letter to Mr. Hammond of the 18th instant.

I am, &c.,
(Signed) A. H. LAYARD.

No. 40.

Major-General Sir E. Lugard to Mr. Hammond.

WAR OFFICE,
April 25, 1862. (Received April 26.)

SIR: With reference to the previous correspondence respecting the vessels of war belonging to the Federal and Confederate States of North America which had arrived at Gibraltar, I am directed by the secretary of state for war to transmit to you, for the information of Earl Russell, the inclosed copy of a further dispatch from Lieutenant-General Sir William Codrington, reporting that Captain Semmes, the commander of the Sumter, had quitted Gibraltar with the principal portion of his officers.

I have, &c.,
(Signed) EDWARD LUGARD.

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[1] Nos. 21, 22, 23, 25, 28, 30, 31, 34, and 37.

[Inclosure in No. 40.]

Lieutenant-General Sir W. Codrington to Major General Sir E. Lugard.

GIBRALTAR, *April* 14, 1862.

SIR: I have the honor to inform you that Captain Semmes, commander of the confederate steamer Sumter, quitted Gibraltar by the steam-packet Mooltan on the 11th instant with the principal portion of his officers. The greater portion of the crew of the Sumter were previously paid and discharged. That vessel remains at anchor here in charge of an officer and a few men.

The Tuscarora remains at Algeciras.

I have, &c.,
(Signed) W. J. CODRINGTON.

No. 41.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY,
April 28, 1862. (Received April 29.)

SIR: I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that Captain
[43] Warden, the senior officer of Her*Majesty's ships at Gibraltar, in a letter dated the 23d instant, states that Captain Semmes and the officers, with some of the crew of the confederate steam-vessel Sumter, left Gibraltar for England in the steamers Mooltan and Euphrosyne on the 9th and 11th instant, and that the ship was left in charge of a midshipman and five or six men, the remainder having been paid off and disposed of in various ways.

I am, &c.,
(Signed) C. PAGET.

No. 42.

The secretary to the admiralty to Mr. Hammond.

[Immediate.]

ADMIRALTY,
December 24, 1862. (Received December 24.)

SIR: I am commanded by my lords commissioners of the admiralty to state, for the information of Earl Russell, that the following telegram has been received from the senior naval officer at Gibraltar, viz:

Confederate steamer sold to British owners. United States minister notifies the sale will not be respected by war-vessels, and that the Sumter will be taken on the high seas when the vessel sails. Instructions requested.

Referring to the case of the Minerva, (6 Robson's Admiralty Reports, pages 396 and 399,) their lordships request to be informed whether the senior officer shall be told in reply that the sale is invalid and will not be supported by Her Majesty's government.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 43.

Major General Sir E. Lugard to Mr. Hammond.

WAR OFFICE,
December 24, 1862. (Received December 24.)

SIR: With reference to the previous correspondence on the subject, I am directed by the secretary of state for war to transmit to you, for the consideration of Earl Russell, the accompanying copy of a dispatch from Lieutenant-General Sir William Codrington, together with its inclosures, in which he reports the course he had taken in consequence of the United States consul at Gibraltar having protested, on the part of his Government, against the sale of the confederate steamer Sumter.

His lordship will observe that Sir William Codrington requests that he may receive instructions "as to the power of registry of the Sumter as an English ship, if sold at Gibraltar to English subjects for the *bona-fide* purposes of commerce."

I have, &c.,
(Signed) EDWARD LUGARD.

[Inclosure 1 in No. 43.]

Lieutenant-General Sir W. Codrington to Sir G. Lewis.

GIBRALTAR, *December* 12, 1862.

SIR: I have the honor to bring to your notice the following facts connected with the confederate steamer Sumter.

Observing in the Gibraltar Chronicle a notice that the Sumter would be sold by auction, I sent the following memorandum to the attorney-general:

"DECEMBER 4, 1862.

"The officer commanding the Sumter having mentioned to me that it is intended to sell that vessel and her stores here, I presume it would be contrary to law or to Gibraltar regulations to sell any munitions of war."

The attorney-general answered: "I think it is better not to interfere in any way with the sale of the Sumter. It is hereafter that a case for interference may arise."

The sale was fixed for the 11th instant.

[44] *On the evening of the 9th instant I received a letter from the United States consul in this city, (copy annexed,) inclosing a telegram from the United States minister at Madrid, protesting against the sale of the Sumter with the concurrence of the British authorities, on the ground of her being a "war-prize" made by the "insurgents of the United States, and truly the property of citizens of that Republic, included in the terms pointed out in the orders in council of Her Britannic Majesty against the sale of any prizes in this war in the dominions of Her Majesty."

You will observe in the letter the authoritative and explicit declaration that the United States vessels of war will seize the Sumter under whatsoever flag she sails.

On the following morning, the 10th instant, I consulted with the attorney-general, and a letter was sent to the United States consul, (of which a copy is inclosed,) informing him that he had not furnished me with any such proof of the Sumter being a prize as to justify my interference with a mercantile transaction.

It was at the same time thought expedient to publish the following notice in the Gibraltar Chronicle of that day, which, without expressing any opinion on the part of the authorities, showed that a protest had been made against the sale on the grounds of the Sumter being a war-prize:

"*Notice.*

"SECRETARY'S OFFICE, *Gibraltar, December* 10, 1862.

"His excellency the governor has received a protest from the United States consul in this city against the sale of the confederate steamer Sumter, on the grounds, as stated by him, of her being a prize. No proof of this being the case has been furnished, but the governor deems it right to notify this protest to the public.

"By command:
(Signed) "S. FREELING,
"*Colonial Secretary.*"

On the same day a letter was sent to the commanding officer of the Sumter, Lieutenant Chapman, stating the protest of the United States consul.

On the 10th instant the sale was postponed to the 19th without my interference.

On the evening of the 10th I received another letter from the United States consul, taking a different ground of protest against the sale of the Sumter, viz, "That it was, in fact, a sale for the purpose of avoiding a capture by the cruisers of the United States, which sale for such a purpose being illegal, and opposed to the strict law of neutrality, if sanctioned by the government of such neutral state." In reply, on the same date, I answered Mr. Sprague that the two protests seem to be incompatible, and inquired which of the two he desired to make his ground of protest. This letter and his reply are likewise annexed.

On the 11th instant I received a letter from the officer commanding the Sumter, in reply to mine of the previous day, of which the following is an extract: "The Sumter was bought and paid for at New Orleans by the confederate government; that the owners of the then steamer Habana (the Sumter) agreed to the price and terms of sale, and that she was purchased before any vessels had been seized in New Orleans (or, as far as I am aware of, elsewhere) by the confederate government. I regret that the representative of any nation should bring a charge so unfounded as that preferred by the United States consul to his excellency."

As the notice in the Chronicle naturally interfered with the sale of the Sumter, I thought it but fair to publish the following notice in the Chronicle, as the two statements were so entirely different.

"*Notice.*

"SECRETARY'S OFFICE, *Gibraltar, December* 11, 1862.

"With reference to the notice in yesterday's Chronicle, his excellency the governor has received the following statement from the officer commanding the Sumter:

"'The Sumter was bought and paid for at New Orleans by the confederate government; that the owners of the then steamer Habana (the Sumter) agreed to the price and terms of sale, and that she was purchased before any vessels had been seized in New Orleans by the confederate government.'

"By command:

(Signed) "S. FREELING,
"*Colonial Secretary.*"

I have consulted the attorney-general on this subject. From his opinion I [45] know of *nothing in the present state of our information requiring me to prevent the sale of the Sumter in Gibraltar.

I do not enter into any other question than that connected with Her Majesty's proclamation of neutrality, but I call your attention to the possibility of the Sumter, when sold, sailing under the English flag, when the capture of her by American men-of-war lying at Algeciras will take place the instant she is three miles from this anchorage.

I request your instructions as to the power of registry of the Sumter as an English ship, if sold here to English subjects for the *bona-fide* purposes of commerce only.

I understand that a bill of sale for $20,000 was signed, thus rendering possible law proceedings, with which there could be no interference by me unless rendered necessary by proof of the breach of Her Majesty's proclamation on the subject of neutrality and prizes.

It is scarcely necessary for me to call your attention to the avowed determination of the United States authorities to capture the Sumter under whatever flag she sails from hence.

I have, &c.,

(Signed) W. J. CODRINGTON.

[Inclosure 2 in No. 43.]

Mr. Sprague to Lieutenant-General Sir W. Codrington.

CONSULATE OF THE UNITED STATES OF AMERICA,
Gibraltar, December 9, 1862.

SIR: I have this moment received a telegram from his excellency the minister of the United States of America at the court of Madrid, dated this day, 12 m., in the following terms:

"Announce officially that the steamer Sumter being a war-prize made by the insurgents of the United States, and truly the property of citizens of that Republic; being likewise included in the terms pointed out in the order in council of Her Britannic Majesty against the sale of any prize in this war in the dominions of Her Majesty, it

cannot be lawfully sold in Gibraltar; and that the sale announced will not be respected by the war-vessels of the United States, but that the Sumter will be taken wherever it may be found on the high seas, or within American jurisdiction, and taken before the competent tribunal for its adjudication."

In face of which, I must protest in the name of the Government of the United States of America, as its representative at this port, against any sale of the steamer Sumter taking place in this city, with the concurrence of the British authorities.

I have, &c.,
(Signed) H. J. SPRAGUE,
United States Consul.

[Inclosure 3 in No. 43.]

Captain Freeling to Mr. Sprague.

SECRETARY'S OFFICE, *Gibraltar, December* 10, 1862.

SIR: I am directed by the governor to acknowledge the receipt of your letter dated 9th instant, on the subject of the sale of the Sumter. His excellency desires me to inform you that you have not furnished any such proof of the Sumter being a prize as to justify his interference with a mercantile transaction.

I am, &c.,
(Signed) S. FREELING,
Colonial Secretary.

[Inclosure 4 in No. 43.]

Mr. Sprague to Captain Freeling.

CONSULATE OF UNITED STATES OF AMERICA,
Gibraltar, December 10, 1862.

SIR: I have the honor to acknowledge the receipt of your dispatch of to-day's date, and in reply I beg to state that I am not instructed by the Government of the United
[46] * States to enter into the question proposed in your said dispatch; as to which I may, however, observe that there can be no doubt that the sale of the steamer Sumter is in fact a sale for the purpose of avoiding a capture by the cruisers of the United States; such sale for such purpose within the jurisdiction of a neutral State is, I apprehend, illegal, and opposed to the strict law of neutrality, if sanctioned by the government of such neutral state.

In conformity with the tenor of my instructions contained in the official telegram of yesterday, of which I had the honor to remit a copy to his excellency the governor, I have only to protest in the name of the Government against any such sale in this port of the said steamer Sumter as is proposed, and to point out the consequences following upon such sale. It only remains for me to reiterate that protest, and respectfully to request the attention of his excellency the governor thereto.

I have, &c.,
(Signed) H. J. SPRAGUE,
United States Consul.

[Inclosure 5 in No. 43.]

Captain Freeling to Mr. Sprague.

SECRETARY'S OFFICE, *Gibraltar, December* 10, 1862.

SIR: I am directed by the governor to acknowledge the receipt of your letter of this day's date, and in reply to remark that your protest of yesterday was made on the ground that the Sumter was a prize made from the Federals by the confederates, and therefore truly the property of the former.

Now, however, you state a different ground, viz, that the sale is for the purpose of avoiding a capture by the cruisers of the United States, and therefore illegal.

The governor wishes to know upon which of these two grounds you now make your protest, as your last seems somewhat incompatible with the first which he received from you yesterday.

I have, &c.,
(Signed) S. FREELING,
Colonial Secretary.

[Inclosure 6 in No. 43.]

Mr. Sprague to Captain Freeling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Gibraltar, December 11, 1862.

SIR: I beg to acknowledge the receipt of your letter of the 10th instant, in reply to my communication of the same date, on the subject of the proposed sale of the steamer Sumter.

The telegram from his excellency the minister plenipotentiary of the United States at the court of Madrid, of which I had the honor to forward a copy to his excellency the governor on the 9th instant, contains the instructions upon which I have acted in protesting against the above sale, as I necessarily had to consider it my duty to do.

I am, however, quite unable to see the incompatibility of what was stated by me in my letter of yesterday, with the ground set forth for the protest in question, as it was simply an observation which appeared to me to bear upon the question, and not to be inconsistent with the views set forth in the telegram.

I have, &c.,
(Signed) H. J. SPRAGUE,
United States Consul.

[Inclosure 7 in No. 43.]

Captain Freeling to Lieutenant Chapman, C. S. N.

SECRETARY'S OFFICE, *Gibraltar, December* 10, 1862.

SIR: I am directed by the governor to inform you that he has received a protest from the United States consul in this city, against the sale of the Sumter, on the
[47] ground of her * being a war prize made by the confederates, and truly the property of citizens of the United States, in case you may wish to offer any remarks on the subject.

I have, &c.,
(Signed) S. FREELING,
Colonial Secretary.

[Inclosure 8 in No. 43.]

Lieutenant Chapman, C. S. N., to Captain Freeling.

CONFEDERATE STATES STEAMER SUMTER,
Bay of Gibraltar, December 11, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of 10th instant, informing me of the protest of the United States consul at Gibraltar "against the sale of the Sumter, on the ground of her being a war-prize made by the confederates, and truly the property of citizens of the United States."

I wish to state to his excellency that the Sumter was bought and paid for at New Orleans by the confederate government; that the owners of the then steamer Habana (the Sumter) agreed to the price and terms of sale, and that she was purchased before any vessel had been seized in New Orleans, or (as far as I am aware of) elsewhere by the confederate government. I regret that the representative of any nation should bring a charge so unfounded as that preferred by the United States consul to his excellency.

I have, &c.,
(Signed) R. T. CHAPMAN.

No. 44.

Major General Sir E. Lugard to Mr. Hammond.

WAR OFFICE,
December 26, 1862. (Received December 26.)

SIR: With reference to my letter of the 24th instant, relating to the intended sale at Gibraltar of the confederate steamer Sumter, I am

directed by the secretary of state for war to request that you will acquaint Earl Russell that the following telegram was received at this office on Wednesday night from Lieutenant-General Sir W. J. Codrington:

The Sumter is sold *bona fide* to a Liverpool merchant; he has demanded register. Am I to give it? The Sumter went round the Rock this morning, and was closely followed by an American ship of war from Algeciras.

I have, &c.,
(Signed) EDWARD LUGARD.

No. 45.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, December 30, 1862. (Received December 30.)

MY LORD: On the 19th of this month, I am informed by the consul of the United States at Gibraltar that a public sale is said to have been made of the steamer Sumter, a vessel which had committed much depredation upon the commerce of the United States, and which had taken shelter in that port from pursuit by the national ships.

Having the strongest reason, from the known character and previous conduct of the alleged purchaser, to believe that this sale is effected solely for the purpose of rescuing the vessel from its present position, and of making use of Her Majesty's flag to convert it to new purposes of hostility to the United States, I must pray your lordship's attention to the necessity under which I am placed of asking the assistance of Her Majesty's government to prevent any risk of damage to the United States from a fraudulent transaction in one of her ports, or, in default of it, of declining to recognize the validity of the transfer should that vessel subsequently be found by the armed ships of the United States sailing on the high seas.

Renewing, &c.,
(Signed) CHARLES FRANCIS ADAMS.

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[48] *No. 46.

Major-General Sir E. Lugard to Mr. Hammond.

[Immediate.]

WAR OFFICE,
December 31, 1862. (Received December 31.)

SIR: With reference to my letter of the 26th instant, I am directed by Secretary Sir George Lewis to transmit to you, for the information of Earl Russell, the accompanying copy of a dispatch, dated 25th instant, from the governor of Gibraltar, reporting the movements of the steamer Gibraltar (late Sumter) and the United States gun-boat Chippewa.

I am, &c.,
(Signed) EDWARD LUGARD.

[Inclosure in No. 46.]

Lieutenant-General Sir W. Codrington to Sir G. Lewis.

GIBRALTAR, *December* 25 1862.

SIR: I have the honor to inform you that the steamer Gibraltar (late Sumter) has had a captain and crew appointed to her by the purchaser, Mr. Klingender.

Yesterday the captain tried the engines, but instead of confining himself to a small turn in the anchorage, steamed along the west side of the Rock to Europa. I observed the Chippewa United States gun-boat leave her anchorage at Algeciras and come across the bay toward the Gibraltar; the crew appeared to be at quarters loading the forward pivot-gun.

The Chippewa kept a course toward our waters, and toward the Gibraltar, which was under English colors; she may or may not have entered within the three miles distance. On the Gibraltar turning back from Europa, the Chippewa lay to for a short time, but on the Gibraltar, after her return to the anchorage, making another turn toward Europa, the United States vessel again came toward her. The two vessels returned to their respective anchorages.

This morning the Chippewa has left Algeciras and is now at anchor in Sandy Bay, near Cabrita Point, which is the west point of Gibraltar Bay.

I have, &c.,
(Signed) W. J. CODRINGTON.

No. 47.

Major-General Sir E. Lugard to Mr. Hammond.

[Immediate.]

WAR OFFICE,
December 31, 1862. (Received December 31.)

SIR: With reference to my letter of the 26th instant, respecting the application from the purchaser of the confederate steamer Sumter to be permitted to register that vessel at Gibralter, I am directed by the secretary of state for war to transmit to you, for the consideration of Earl Russell, the inclosed copy of a dispatch from Lieutenant-General Sir William Codrington, forwarding a correspondence which had passed with Mr. Klingender on the subject.

Sir George Lewis will be glad to be furnished with Earl Russell's opinion upon the question thus raised at an early date.

I have, &c.,
(Signed) EDWARD LUGARD.

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[49] [Inclosure 1 in No. 47.]

Lieutenant-General Sir W. Codrington to Sir E. Lugard.

GIBRALTAR, *December* 24, 1862.

SIR: I have the honor to inform you that I received this morning an application from Mr. M. T. Klingender, (copy inclosed,) applying for a registry for the Sumter, which he has purchased.

To his application I have replied that under the peculiar circumstances of the previous commission of the Sumter, her sale in these waters, and the declaration that she will be taken by the American Navy under whatever flag she sails, I have thought it my duty to await instructions from government.

I inclose a copy of this letter.

I have, &c.,
(Signed) W. J. CODRINGTON.

[Inclosure 2 in No. 47.]

Mr. Klingender to Lieutenant-General Sir W. Codrington.

GIBRALTAR, *December* 23, 1862.

SIR: I annex a copy of a letter addressed to the captain of the port requesting that I might be granted a register for the screw-steamship Gibraltar, late confederate vessel Sumter, which ship I purchased on the 19th instant at a public auction here, and the captain of the port informed me that your excellency was the registrar for Gibraltar. I therefore beg that you will grant me a register for the Gibraltar on my signing the usual declaration under oath taken in such cases according to British law.

The vessel, I believe, was employed in the trade between Havana and New Orleans under the name of the Habana, and was regularly sold in the port of New Orleans.

In order not in any way to compromise the British government, I desire permission to land at any place designated, and entirely under the control of your excellency, the battery now on board said ship, which was given to any bidder who might ultimately be the purchaser of the vessel; this I may be able at some other time to dispose of, when I trust your permission will be given to remove it from the port. The Moors have been mentioned to me as most likely to become purchasers of it.

I was informed by the authorities at the customs in Liverpool that I should experience no difficulty in procuring her a register, or its equivalent, should I become the purchaser of the vessel.

I remain, &c.,
(Signed) M. G. KLINGENDER.

[Inclosure 3 in No. 47.]

Mr. Klingender to the captain of the port, Gibraltar.

GIBRALTAR, *December* 22, 1862.

SIR: Having purchased on Friday last, at public auction, the screw-steamship Sumter, lying in the harbor, for the sum of $19,500, with the view of using her solely as a merchant-vessel, I have to request you will grant me a register for said vessel, being a natural-born British subject.

I remain, &c.,
(Signed) M. G. KLINGENDER.

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[50] *[Inclosure 4 in No. 47.]

Captain Freeling to Mr. Klingender.

SECRETARY'S OFFICE,
Gibraltar, December 24, 1862.

SIR: With reference to your letter of yesterday's date, applying for a registry of the steamship Gibraltar, late Sumter, which you have purchased, I am directed by the governor to inform you that, under the circumstances of the previous commission of this vessel, her sale in these waters, and the official declaration that she will be captured at sea by the American Navy, under whatever flag she sails, his excellency has thought it his duty to write for instructions to England, and must therefore await such instructions before taking any further steps in the matter.

I have, &c.,
(Signed) S. FREELING,
Colonial Secretary.

No. 48.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY,
December 31, 1862. (Received December 31.)

SIR: With reference to my letter of the 24th instant I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Her Majesty's secretary of state for foreign affairs, a copy of a letter from Captain Ommanney, the senior officer at Gibral-

tar, dated the 25th instant, requesting instructions with regard to the late confederate vessel Sumter, which has been sold at Gibraltar to a British merchant.

Captain Ommanney has been informed by telegram that the Sumter having been a vessel of war cannot be granted a British register, unless instructions to that effect are sent from Her Majesty's government.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 48.]

Captain Ommanney to the secretary to the admiralty.

PROCRIS, *Gibraltar, December* 25, 1862.

MY LORD: With reference to my letter of the 24th instant, I desire to inform the lords commissioners of the admiralty that his excellency the governor has referred to the home authorities on the point as to whether a British register can be furnished to the Sumter.

The Sumter has now hoisted British colors and taken the name of Gibraltar. She got under way yesterday to try her engines, upon which the United States steam-sloop of war, stationed off Algeciras, instantly steamed across to reconnoiter, with her crew standing at the guns; thus evincing the determination which has been notified to take the Sumter on the high seas.

I have now to request you will move their lordships to furnish me with instructions as to whether I am to protect the Sumter across the seas to a neutral port, provided the vessel produces a legal British register and other necessary documents entitling her to become British property.

I request instructions, because that I am doubtful whether it is preserving strict neutrality to protect a vessel which has been a belligerent vessel of war, and has assumed another nationality in a neutral port.

I have, &c.,
(Signed) E. OMMANNEY.

P. S.—United States vessels of war are at Cadiz or the neighborhood. I submit therefore that, if protection is sanctioned, the force would be sufficient and effectual, in order to avoid all risks from attack.

E. O.

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[51]

*No. 49.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY,
December 31, 1862. (Received December 31.)

SIR: With reference to my letter of the 24th instant, I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Her Majesty's secretary of state for foreign affairs, a copy of a letter from Captain Ommanney, the senior naval officer at Gibraltar, dated the 24th instant, with copies of its inclosures, relating to the Sumter.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 49.]

Captain Ommanney to the secretary to the admiralty.

PROCRIS, *at Gibraltar, December* 24, 1862.

MY LORD: Herewith I have the honor to transmit, for the consideration of the lords commissioners of the admiralty, a communication addressed to me from his excellency the governor, together with inclosures, in which the minister of the United States of

America declares the intention of seizing the Sumter on the high seas by United States vessels of war.

The Sumter steam-sloop, which belonged to the so-called Confederate States, was sold, a few days ago, to a British merchant, who came from Liverpool expressly to purchase this vessel. She now carries the British flag, but is not yet provided with a British register.

Previous to the sail being made, a protest was made on the part of the United States Government, which was notified in the Gibraltar Gazette.

A United States steamer sloop of war is now lying at Algeciras, where they have had a vessel stationed to watch the Sumter since she was laid up at this port. I have to request you will be pleased to move their lordships to give me instructions how I am to act, whether the Sumter is to be protected against capture by the United States vessels of war, and in case that application is made for convoy if such is to be granted.

Her Majesty's ship Firebrand is the ship stationed here under my orders.

I have, &c.,
(Signed) E. OMMANNEY.

[Inclosure 2 in No. 49.]

Captain Freeling to Captain Ommanney.

SECRETARY'S OFFICE, *Gibraltar, December* 22, 1862.

SIR: I am directed by his excellency the governor to transmit, for your information, the accompanying copy of a letter received from the United States consul in this city embodying a telegram from the minister of the United States of America at the court at Madrid, on the subject of the sale of the Sumter,[1] now lying in this bay, which sale, he states, will not be respected by the vessels of that Government, and that the Sumter will be taken wherever she may be found on the high seas, or within American jurisdiction.

I am, &c.,
(Signed) S. FREELING,
Colonial Secretary.

P. S.—A translation of the telegram, which is in the Spanish language, is herewith forwarded.

S. F.

[Inclosure 3 in No 49.]

Mr. Sprague to Lieutenant-General Sir W. Codrington, December 9, 1862.

[See inclosure 2 in No. 43.]

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[52] *No. 50.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 1, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, calling my attention to the circumstances attending the sale of the steamer Sumter at Gibraltar; and I have the honor to state to you, in reply, that the law-officers of the Crown have already the case before them.

I am, &c.,
(Signed) RUSSELL.

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[1] Sumter is now sold to a British subject, and has hoisted English colors.—S. F.

No. 51.

The law-officers of the Crown to Earl Russell.

TEMPLE, *January* 1, 1863. (Received January 1.)

MY LORD: We are honored with your lordship's commands signified in Mr. Layard's letter of the 24th ultimo, stating that he was directed by your lordship to transmit to us a letter from the admiralty stating that the following telegram, in cipher, had been received from the senior naval officer at Gibraltar, viz:

Confederate steamer sold to British owners. United States minister notifies the sale will not be respected by war-vessels, and that Sumter will be taken on the high seas when the vessel sails. Instructions requested.

That the admiralty, referring to the case of the Minerva, (6 Robinson's Admiralty Reports, pages 396 and 399,) request to be informed whether the senior officer should be told, in reply, that the sale is invalid, and will not be supported by Her Majesty's government.

Mr. Layard was to request that we would take the case into consideration, and furnish your lordship, at our earliest convenience, with our opinion as to the course which Her Majesty's government ought to pursue in the matter.

We are also honored with Mr. Layard's second letter, dated 26th ultimo, stating that, with reference to his letter of the 24th, he was directed by your lordship to transmit to us a copy of the letter from the war office transcribing a further telegram received from Gibraltar respecting this case, and to request that we would take the same into our consideration, and report to your lordship our opinion as to the answer which should be returned thereto.

In obedience to your lordship's commands, we have taken these papers into consideration, and have the honor to report—

That we are clearly of opinion that the authorities at Gibraltar ought not to have prohibited the sale of the Sumter at Gibraltar. The United States consul's statement that the Sumter had been taken as prize appears to be unwarranted, and one to which no attention is due.

With respect to the probability and the lawfulness of the capture of the Sumter on the high seas by a United States cruiser, we have to remark that her seizure for the purpose of investigation and trial in the Federal prize court would certainly, in the circumstances, be justifiable and lawful.

We do not think it necessary for us now to express any final opinion upon the question of prize-law, whether the purchase of the Sumter at Gibraltar by a neutral was or was not lawful.

The present judge of the admiralty court decided (1855) that the sale of a single ship to a neutral by a belligerent during war was lawful where payment was made of the purchase-money, and the title and interest of the belligerent vendor wholly divested. And he said, "It matters not, generally speaking, where the ship was lying at the period of such a sale, provided she was not *in transitu*, nor lying in a blockaded port." (The Baltica, Spink's Prize Cases, p. 271.)

This, however, is not inconsistent with the doctrine of Lord Stowell, (the Minerva, 6 Robinson's Admiralty Reports, p. 401,) that the purchase by a neutral from a belligerent of a vessel built (or indeed used) for war, but rendered incapable of acting as a ship of war by the arms of the other belligerent, and driven into a neutral port for shelter, is unlawful, as tending to enable the enemy to rescue himself from the disadvantage into which he has fallen.

It is true that the transfer of enemy's merchant-ships, so driven
[53] into port, to neutrals, *has, after much doubt, been held legal by English prize-courts, and that in the particular case decided by Lord Stowell the transfer was of a ship of war from a belligerent to a neutral; but the Sumter may properly be considered as being at the time of the sale in the same category, though to be used by the purchaser for commercial purposes only.

And, on the whole, we incline strongly to the opinion that her condemnation in the Federal prize-court would not warrant any interference on the part of Her Majesty's government.

As regards the question contained in the last telegram from Sir W. J. Codrington, whether on the demand of the Liverpool merchant, who is supposed to have made a *bona-fide* purchase of the Sumter, he ought to be registered as a British owner of the ship, we think the answer should be in the affirmative. It will be understood that, in advising this answer, we take for granted that the several requirements, with reference to registration, of "the merchant-shipping act, 1854," part II, (so far as applicable,) will be complied with.

We have, &c.,

(Signed) WILLIAM ATHERTON.
ROUNDELL PALMER.
ROBERT PHILLIMORE.

No. 52.

Mr. Hammond to the secretary to the admiralty.[1]

FOREIGN OFFICE, *January* 2, 1863.

SIR: I am directed by Earl Russell to request that you will inform the lords commissioners of the admiralty that he lost no time in referring to the consideration of the law-officers of the Crown the circumstances respecting the Sumter, stated in your letter of the 24th ultimo, and in the letters from the war department of the 24th and 26th ultimo; and I am now to transmit to you, for the information of the board of admiralty, a copy of a report which Lord Russell has received from the law-officers.[2]

Their lordships will observe that this report was made without reference to the further letters received on the 31st ultimo from the board of admiralty, and to letters received on the same day from the war department, which letters were sent without delay to the law-officers, whose further report may, therefore, be shortly expected, and will be communicated to the board of admiralty.

But it sufficiently appears from the report now sent to you that the law-officers are of opinion that the question of the liability of the Sumter to condemnation as prize, if captured under her present ownership, is one for the decision of a Federal prize-court, and that her capture for the purposes of investigation and trial in such court would be justifiable and lawful.

Under these circumstances it seems expedient that no time should be lost in instructing the naval and military authorities at Gibraltar not to interfere with any ship belonging to the United States which may capture the Sumter out of British waters without positive instructions from home.

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[1] A similar letter was addressed to the war office. [2] No. 51.

It seems also desirable that the British purchaser of the Sumter should be warned that Her Majesty's ships will not interfere to protect the Sumter from capture.

I have addressed, by Lord Russell's directions, a similar letter to the war department.

I am, &c.,
(Signed) E. HAMMOND.

No. 53.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY,
January 2, 1863. (Received January 2.)

SIR: With reference to your letter of to-day, inclosing a copy of a report which Lord Russell has received from the law-officers of the Crown, relative to the liability of the Sumter to condemnation as prize if captured under her present ownership, I am commanded by my lords commissioners of the admiralty to inform you that a telegram has been sent in cipher to the senior naval officer at Gibraltar, directing
[54] that no protection *is to be afforded to the Sumter beyond one league from British territory; the purchaser of that ship is to be so informed.

I have, &c.,
(Signed) W. G. ROMAINE.

No. 54.

The law-officers of the Crown to Earl Russell.

TEMPLE, *January* 5, 1863. (Received January 6.)

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's four several letters, dated the 31st ultimo, stating that he was directed by your lordship to transmit to us a copy of a letter from the United States minister at this court, calling your lordship's attention to the sale of the vessel Sumter at Gibraltar; also two letters from the war department, copies of a letter from the board of admiralty and of its inclosures, and a further letter from the admiralty, together with its inclosures, all on the same subject; and that he was to request that we would take these further papers, together with those previously transmitted to us, into our consideration, and furnish your lordship with our opinion therefrom.

In obedience to your lordship's commands, we have taken these further papers into consideration, and have the honor to report—

That they do not appear to us to render necessary any alteration in the report which we have already had the honor to make in this case. It may, however, be expedient to state explicitly that we are of opinion that the Sumter cannot be protected by any of Her Majesty's ships beyond the territorial waters of Gibraltar—that is, beyond the distance of three miles from the shore.

We have, &c.,
(Signed) WM. ATHERTON.
ROUNDELL PALMER.
ROBERT PHILLIMORE.

No. 55.

Mr. Hammond to the secretary to the admiralty.[1]

FOREIGN OFFICE, *January* 6, 1863.

SIR: With reference to my letter of the 2d instant, I am directed by Earl Russell to transmit to you a copy of a further report from the law-officers of the Crown upon the case of the Sumter;[2] and I am to request that, in laying the same before the lords commissioners of the admiralty, you will suggest that, in accordance with the advice of the law-officers, the military authorities at Gibraltar should be explicitly informed that the Sumter cannot be protected by any of Her Majesty's ships beyond the territorial waters of that fortress, *i. e.*, beyond the distance of three miles from the shore.

I am, &c.,
(Signed) E. HAMMOND.

No. 56.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 15, 1863.

SIR: With reference to my letter of the 1st instant, in which I acknowledged the receipt of your letter of the 30th ultimo respecting the sale of the Sumter at Gibraltar, I have now the honor to inform you that Her Majesty's naval and military officers at that port have received instructions not to give any protection to that vessel beyond the waters of Gibraltar; but it will of course be clearly understood that those instructions do not preclude the owners of the Sumter—if that vessel should be taken by United States cruisers—from appealing, according to the usage and practice of international law, to a prize-court in the United States, against the captors; nor will Her Majesty's government be precluded from taking any course which may hereafter appear to them proper, if the Sumter (now assumed to be British property) should be hereafter condemned or otherwise dealt with in any manner which might not be in their judgment warranted by international law.

I am, &c.,
(Signed) RUSSELL.

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[55] *No. 57.

Mr. Galton to Mr. Hammond.

WAR OFFICE,
January 20, 1863. (Received January 21.)

SIR: With reference to the previous correspondence respecting the sale by the confederate government of the steamer Sumter, I am directed by the secretary of state for war to transmit to you, for the information of Earl Russell, the inclosed copy of a dispatch from Lieutenant-General Sir William Codrington, in which he reports that the pro-

[1] A similar letter was addressed to the war office. [2] No. 54.

visions of the merchant-shipping act having been complied with, a certificate of registry has been granted to this vessel, which is now called the Gibraltar.

I have, &c.,
(Signed) DOUGLAS GALTON.

[Inclosure 1 in No. 57.]

Lieutenant General Sir W. Codrington to Sir G. Lewis.

GIBRALTAR, *January* 10, 1863.

SIR: With reference to the correspondence which has already taken place with regard to the Gibraltar, late Sumter, I have now the honor to forward copy of a letter from the United States consul in this city, to which I returned no additional answer.

On receipt of your telegram, dated 3d instant, I forwarded a letter to the attorney-general, copy of which, together with his reply, are annexed.

The provisions of the merchant-shipping act of 1854 having been complied with, I signed the certificate of registry of the Gibraltar on the 8th instant, and sent a letter to the captain of the port, (copy inclosed,) desiring him to inform the captain of the Gibraltar, the owner not being here, that the Gibraltar may be seized out of British waters by vessels of the United States, and that Her Majesty's government will not interfere.

I have this morning received your dispatch of the 3d instant, forwarding the opinion of the law-officers of the Crown on the above subject, and have instructed the captain of the port to communicate to the captain of the Gibraltar that "Her Majesty's ships will not interfere to protect the Sumter from capture."

I have, &c.,
(Signed) W. J. CODRINGTON.

[Inclosure 2 in No. 57.]

Mr. Sprague to Captain Freeling.

CONSULATE OF THE UNITED STATES OF AMERICA,
Gibraltar, January 5, 1863.

SIR: On the 24th ultimo you did me the honor to address me, by direction of his excellency the governor, to inquire whether I could furnish proof of the steamer Sumter being a "war-prize," in reply to which I stated that I was not then in a situation to add anything further upon the subject of that steamer.

I am now, however, informed by the United States consulate at Liverpool, under date of 26th ultimo, that Mr. Klingender (who it appears was the bidder and became the purchaser of the Sumter at the public auction held in this city on the 19th ultimo) is the agent of Messrs. Frazer, Trenholm & Co., the southern financial agents, from which circumstance it is supposed that the purchase of the Sumter, if effected by him, would be so effected either for the said firm of Frazer, Trenholm & Co., or for purposes of the confederate government, which would, or might, be opposed to the Government of the United States.

In view of these facts, of which I have been informed as above, and the light which they appear to throw upon the sale of the Sumter in the consideration of his excellency the minister plenipotentiary of the United States at the Court of St. James, I have now, under his instructions, the honor to intimate that such sale of the steamer Sumter will not be recognized by the Government of the United States.

I have, &c.,
(Signed) HORATIO J. SPRAGUE,
United States Consul.

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[56] *[Inclosure 3 in No. 57.]

Captain Freeling to Mr. Sprague.

SECRETARY'S OFFICE,
Gibraltar, January 3, 1863.

SIR: I am directed by the governor to inform you that his excellency has received from Her Majesty's government instructions that the register of the Gibraltar, late

Sumter, may be granted if the requirements of the merchant-shipping act of 1854 have been complied with.

I inclose the declaration of the owner, signed in presence of the registrars and I also inclose the proposed register.

The governor desires your opinion whether the requirements of the act of 1854 have been complied with, or whether he can legally grant the register. Your opinion will be irrespective of any other consideration than a compliance with the act of Parliament.

I have, &c.,
(Signed) S. FREELING,
Colonial Secretary.

[Inclosure 4 in No. 57.]

The attorney-general, Gibraltar, to Captain Freeling.

GIBRALTAR, *January* 5, 1863.

SIR: I have the honor to acknowledge your letter of the 3d instant, inclosing papers on the subject of the registry of the Gibraltar, late Sumter, and desiring my opinion "whether the requirements of the act of 1854 have been complied with, and whether the government can legally grant the registry;" and, in reply, beg to say that they have, and that the governor can legally register her.

I have, &c.,
(Signed) M. COSTELLO.

[Inclosure 5 in No. 57.]

Captain Freeling to Captain Edmunds.

SECRETARY'S OFFICE,
Gibraltar, January 7, 1863.

SIR: I am directed by the governor to request you will inform the captain of the Gibraltar that his excellency is prepared to register that vessel.

You will also warn him that the Gibraltar may be seized out of British waters by vessels of the United States of America, and that Her Majesty's government will not interfere.

I have, &c.,
(Signed) S. FREELING,
Colonial Secretary.

No. 58.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, February 16, 1863. (Received February 17.)

MY LORD: I have received information of the arrival of the steamer Sumter at Liverpool. Having already done myself the honor to suggest to your lordship the view taken by my Government of the true nature of her position at Gibraltar after the event of the nominal transformation of her by a fictitious sale, I content myself with respectfully requesting your attention to the bearing on this case of Her Majesty's proclamation, limiting the stay of vessels of the respective parties to the present struggle in America within Her Majesty's ports.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[57] * No. 59.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY,
February 17, 1863. (Received February 18.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Her Majesty's secretary of state for foreign affairs, a copy of a letter, dated the 8th instant, from Captain Ommanney, the senior officer at Gibraltar, reporting the departure from that place of the steamer Gibraltar, late confederate vessel Sumter.

I am, &c.,
(Signed) C. PAGET.

[Inclosure in No. 59.]

Captain Ommanney to the secretary to the admiralty.

PROCRIS, GIBRALTAR, *February* 9, 1863.

MY LORD: I have the honor to report, for the information of the lords commissioners of the admiralty, that the British vessel named Gibraltar left this port about 7 p. m. on the 8th instant. She was seen passing Cape Spartel, steering for the westward the same night about 11 p. m.

This vessel was formerly called the Sumter sloop of war, in the service of the so-called Confederate States of North America, which was sold to a British merchant at this port.

The Gibraltar sailed under the influence of a strong easterly gale.

The United States sloop of war Chippewa was at the time lying at anchor for shelter at the head of this bay.

I am, &c.,
(Signed) E. OMMANNEY.

No 60.

The law-officers of the Crown to Earl Russell.

TEMPLE, *March* 3, 1863. (Received March 4.)

MY LORD: We are honored with your lordship's commands, signified in Mr. Hammond's letter of the 17th February ultimo, stating that, with reference to our report respecting the case of the steamer Gibraltar or Sumter, he was directed by your lordship to transmit to us, together with the former papers, a letter from Mr. Adams, the United States minister at this court, stating that he had received information of the arrival of that vessel at Liverpool, and requesting your lordship's attention to the bearing on this case of Her Majesty's proclamation, limiting the stay of vessels of the respective parties to the present struggle in America, within Her Majesty's ports; and to request that we would take this matter into our consideration, and favor your lordship, at our earliest convenience, with our opinion thereupon.

In obedience to your lordship's commands we have taken this matter into consideration, and have the honor to report—

That we think that it is not competent to Her Majesty's government, upon the facts at present known to them, to assume, as Mr. Adams appears to do, that the ship lately called the Sumter has not been legally and *bona fide* sold to a British owner for commercial and peaceful

purposes; and unless it were established that the sale was, as Mr. Adams assumes, merely fictitious, we think that Her Majesty's proclamation, to which his excellency refers, cannot be treated as now applicable to that vessel in the port of Liverpool.

We have, &c.,

(Signed) WM. ATHERTON.
ROUNDELL PALMER.
ROBERT PHILLIMORE.

No. 61.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *March* 9, 1863.

SIR: I have the honor to inform you that Her Majesty's government have had under their consideration, in communication with the proper law-advisers of the Crown, your letter of the 18th ultimo, stating
[58] that you had received information of the arrival of the *steamer Sumter at Liverpool, and calling my attention to the bearing on this case of Her Majesty's proclamation, limiting the stay within British ports of vessels of war belonging to either of the belligerent parties.

I have now to inform you that Her Majesty's government, in the present state of their information on the subject, are unable to assume, as you appear to do, that the ship lately called the Sumter has not been legally and *bona fide* sold to a British owner for commercial and peaceful purposes; and unless it were established that the sale was merely fictitious, Her Majesty's proclamation, to which you refer, cannot be deemed applicable to that vessel in the port of Liverpool.

I am, &c.,

(Signed) RUSSELL.

No. 62.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, March 14, 1863. (Received March 16.)

MY LORD: I have the honor to acknowledge the reception of your note of the 9th instant, in reply to mine of the 16th ultimo, respecting the case of the steamer Sumter. Your lordship apprises me that "Her Majesty's government, in the present state of their information on the subject, are unable to assume that the ship lately called the Sumter has not been legally and *bona fide* sold to a British owner for commercial purposes," thereby leading me to infer that a sale, if so effected, would be regarded as valid by them, to change the property of a belligerent in a neutral port.

But I must ask pardon for calling your lordship's attention to the fact that such has not been the construction heretofore put upon the law by the courts of Great Britain, when applied to belligerent vessels of their own enemies in neutral ports. In the learned work on international law, published not long since by Mr. Robert Phillimore, the same emi-

nent individual who has since been elevated to the position of a legal adviser of the Crown, I find it expressly affirmed that the purchase of ships of war belonging to enemies is held in the British courts to be invalid; and further that, though the purchase of merchant-ships be not illegal, it is liable to great suspicion, and requires to be established by the clearest proof; furthermore, should the ship, after such transfer, "be employed under the management of a hostile proprietor, the sale will be deemed merely colorable and collusive." (Commentaries on International Law, vol. iii, pp. 607–8.)

I think I have already furnished sufficient evidence to your lordship to show that the sale of this vessel is open to each and all of these objections, whether it be considered as a public or a private transaction. But Her Majesty's government, in furnishing shelter for so long a period to the Sumter, in the harbor of Gibraltar, as a ship of war of a belligerent, has determined the character of the vessel. I have reason to believe that during the whole of the late war with Russia, Her Majesty's government steadily refused to recognize the transfer of any vessels of that nation in neutral ports. It does not, then, seem unreasonable if, on behalf of my government, I respectfully venture to enter a remonstrance against the readiness with which your lordship appears to recognize the validity of a transaction which the law not only presumes to carry fraud on its face, but the highest authority in Great Britain declares to be invalid altogether.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 63.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *March* 18, 1863.

SIR: I am directed by Earl Russell to call your attention to the Daily News of yesterday, the 17th instant, in which, under the head of "Confederate war-vessels," are included the Sumter, now called the Gibraltar, as having been thoroughly repaired at Birkenhead, and being now ready for sea.

I am to request that you will state to the lords commissioners of Her Majesty's treasury that the transfer of this vessel to her English owners has been denounced by the United States minister at this court as fictitious, and that you will move their lordships to cause particular attention to be paid to her, as she may probably be designed to be again employed in the confederate service.

I am, &c.,
(Signed) E. HAMMOND.

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[59] *No. 64.

Mr. Peel to Mr. Hammond.

TREASURY CHAMBERS,
March 30, 1863. (Received March 30.)

SIR: With reference to your letter of 18th instant, I am desired by the lords commissioners of Her Majesty's treasury to transmit to you

the inclosed copy of a report from the commissioners of customs, dated 24th instant, on the subject of the suspicion which has existed that the Gibraltar or Sumter steam-vessel, now lying at Birkenhead, is fitting for the service of the Confederate States of North America; and I am to request that you will lay the same before Earl Russell.

I am, &c.,
(Signed) F. PEEL.

[Inclosure in No. 64.]

The commissioners of customs to the lords commissioners of the treasury.

CUSTOM-HOUSE, *March* 24, 1863.

Your lordships having referred to us the annexed letter from the foreign office, calling attention to the Daily News of the 17th instant, in which, under the head of "Confederate war-vessels," is included the Sumter, now called the Gibraltar, as having been thoroughly repaired at Birkenhead, and being now ready for sea, and signifying the request of Earl Russell that, as the transfer of this vessel to her English owners has been denounced by the United States minister at this court as fictitious, particular attention may be paid to her, as she may probably be designed to be again employed in the confederate service, we report—

That, upon receipt of the said letter, we issued instructions to our collector at Liverpool to cause the vessel to be watched as desired, and to report specially any circumstances respecting her which might come to his knowledge fit for our cognizance, and any information he might be enabled to obtain in regard to the *bona-fide* character of her ownership; and by the report of the collector at Liverpool we find that the vessel arrived at that port on the 13th ultimo from Gibraltar, in ballast, since which time she has been watched by the officers of this department; but that although she has received some repairs since her arrival, nothing has taken place regarding her of a suspicious character; that she is at present laid up in the upper part of the Great Float at Birkenhead; and that there is no appearance of her being at present intended for sea; there would therefore appear to be no foundation for the statement in the Daily News.

We have only to add that, should anything worthy of mention be observed, the collector will at once notify the same to us, and we will not fail to acquaint your lordships therewith.

(Signed) THO. F. FREMANTLE.
GRENVILLE C. L. BERKELEY.

No. 65.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 4, 1863.

SIR: My attention having been drawn to a paragraph which appeared in the Daily News of the 17th ultimo, in which, under the head of "Confederate war-vessels," is included the Sumter, now called the Gibraltar, as having been thoroughly repaired at Birkenhead, and being ready for sea, I deemed it advisable at once to request the proper authorities to cause particular attention to be paid to this vessel.

I have now the honor to acquaint you that it appears from a report which has been received from the collector of customs at Liverpool, and which has been communicated to me by the lords commissioners of Her Majesty's treasury, that, since the arrival of the Sumter at Liverpool on the 13th of February last, she has been carefully watched
[60] *by the custom-house officers, and that, although the vessel has received some repairs, nothing has taken place regarding her of a suspicious character.

The Sumter appears to be laid up in the upper part of the Great Float, at Birkenhead, and there seems to be no sign of her being at present intended for sea.

I have the honor to add that the authorities at Liverpool are instructed to continue to observe this vessel, and to report without delay any circumstances of an unusual character which may happen to take place with regard to her.

I am, &c.,
(Signed) RUSSELL.

No. 66.

The law-officers of the Crown to Earl Russell.

TEMPLE, *April* 6, 1863. (Received April 6.)

MY LORD: We are honored with your lordship's commands, signified in Mr. Hammond's letter of the 16th ultimo, stating that, with reference to our report of the 3d ultimo, respecting the case of the steamer Gibraltar, or Sumter, he was directed by your lordship to transmit to us, together with the former papers, the draught of a letter which was addressed to Mr. Adams on the 9th ultimo, stating that, in the present state of their information on the subject, Her Majesty's government were unable to assume that that vessel had not been legally and *bona-fide* sold to a British owner for commercial purposes; and a letter which has been received from Mr. Adams in reply, remonstrating against this decision.

Mr. Hammond was to request that we would take this further correspondence into consideration, and furnish your lordship with such observations as we may have to offer thereupon.

In obedience to your lordship's commands, we have taken this further correspondence into consideration, and have the honor to report—

That it is very difficult to understand how Mr. Adams can have supposed that, in the passage of the work referred to, he has found any support for the propositions which he maintains, namely, that Her Majesty's government are bound to consider both that the Sumter has been illegally sold, and that she has been sold for the purpose of being used in carrying on hostilities against the United States.

If Mr. Adams had considered that the passage referred to applies to the law administered by the prize-court of a belligerent, and if Mr. Adams had cited the whole section, he would have escaped the error into which he has fallen.

The whole section is as follows:

> In respect to the transfer of enemy's ships during war, it is certain that purchases of them by neutrals are not in general illegal, but such purchases are liable to great suspicion, and if good proof be not given of their validity by a bill of sale and payment of a reasonable consideration, it will materially impair the validity of the neutral claim, but if the purchase be made by an agent, his letters of procuration must be produced and proved; and if after such transfer the ship be employed habitually in the enemy's trade, or under the management of a hostile proprietor, the sale will be deemed merely colorable and collusive. But the right of purchase by neutrals extends only to merchant-ships of enemies; for the purchase of ships of war belonging to enemies is held to be invalid, and a sale of a merchant-ship made by an enemy to a neutral during war must be an absolute unconditional sale. Anything tending to continue the interest of the enemy in the ship vitiates a contract of this description, altogether. (Phillimore's Commentaries, vol. iii, sec. 486, pp. 607–8.)

Every proposition in this extract is founded on one of the judgments

(referred to in the notes) of Lord Stowell, while sitting as judge of the prize-court when Great Britain was a belligerent.

The substance of the section is that a belligerent has a right to scrutinize vigilantly the transfer of an enemy's merchant-ship during war to a neutral, but that such transfer is not, if *bona fide* made, illegal; that a belligerent has a right to consider the sale or transfer of an enemy's ship of war to a neutral as absolutely illegal.

The latter of these propositions may, possibly, require some qualification; for Lord Stowell, in the judgment on which it is founded, did not lay down so general a doctrine, but confined himself to the case of a sale to a neutral of an enemy's ship of war, while "rendered incapable of acting as a ship of war by the arms of the other belligerent, and driven into a neutral port for shelter."

[61] *But, be this as it may, from neither of these propositions has Her Majesty's government, in the present case, expressed any dissent.

Her Majesty's government have not said that it will not be competent to the prize-court of the United States to come to the conclusion, upon proper evidence, and after a fair hearing, that the transfer of the Sumter was (as against the United States) either illegal, because it was not *bona fide* sold as a merchant-ship, or on grounds such as those on which Lord Stowell decided the case of the Minerva (6 Robinson, 399) already referred to. But the sale may be perfectly good by the laws of England, so as to give the English purchaser a valid title while within Her Majesty's dominions, (assuming it to be a real, and not a fictitious transaction, as between the parties thereto,) although it may be one which, in the event of a subsequent capture on the high seas, might not be recognized as lawful according to the code of prize-law administered in the prize-court of the United States.

Her Majesty's government have said that, in the present state of their "information on the subject, they are unable to assume that the ship lately called the Sumter has not been legally and *bona fide* sold to a British owner for commercial purposes;" a proposition not only not at variance but in perfect harmony with the passage in the work cited—or rather with the judgments of Lord Stowell on which that passage is founded—so far as the passage is applicable to the case at all; for the word "legally," in this passage, has reference to the ordinary law as administered in the civil courts of Gibraltar and of England in time of peace, while, on the other hand, the term "unlawful," as used in the book cited by Mr. Adams, has reference to the law of prize, as administered in the prize-court of a belligerent power. No neutral power ever undertakes to administer prize-law in favor of either belligerent. The only question relative to the Sumter or Gibraltar is, whether Great Britain, being neutral, Her Majesty's proclamation be or be not applicable to that vessel while in a British port.

It is only applicable to a belligerent's ship of war. There is no evidence that this vessel is now a belligerent's ship of war; but, on the contrary, strong *prima-facie* evidence that she has been sold for peaceful and commercial purposes to a British and neutral subject; and that, although formerly a ship of war, she has in truth entirely changed her character, and become, in every sense material for the present purpose, a merchant-ship.

Mr. Adams also says, "I have reason to believe that during the whole of the late war with Russia Her Majesty's government steadily refused to recognize the transfer of any vessels of that nation in neutral ports."

This is another error into which Mr. Adams has fallen. The judge of

the prize-court during that war decided (as we mentioned in our report of 1st January, 1865) "that the sale of a single ship from a belligerent to a neutral was lawful;" adding, "It matters not, generally speaking, where the ship was lying at the period of such a sale, provided she was not *in transitu*, nor lying in a blockaded port." (The Baltica' Spinks' Prize Cases, p. 271.)

We have, &c.,

(Signed) W. ATHERTON.
ROUNDELL PALMER.
ROBERT PHILLIMORE.

No. 67.

Mr. Adams to Earl Russel.

LEGATION OF THE UNITED STATES,
London, April 6, 1863. (Received April 7.)

MY LORD: I have had the honor to receive your note of the 4th instant, in reference to a paragraph which appeared in the Daily News of the 17th ultimo, respecting the immediate preparation of the Sumter for departure from the port of Liverpool. I must confess that the information received by me from Liverpool, from wholly independent sources, has led me to believe the newspaper statement to be true. It is, however, with very great satisfaction I receive the contradiction of it from your lordship, as well as the assurance that the movements of that vessel are under the observation of Her Majesty's government. I am the more led to indulge this that the notice appears to have been spontaneously furnished to me with a degree of courtesy which I should be wanting in my duty if I were to fail properly to appreciate.

I pray, &c.,

(Signed) CHARLES FRANCIS ADAMS.

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[62] *No. 68.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 20, 1863.

SIR: There are several statements in your letter of the 14th of March respecting the sale of the Sumter at Gibraltar to a British owner, upon which, if any advantage were likely to result from further discussion of the subject, I should feel it right to observe. But it appears to me sufficient to say that you seem to have confounded, both in your reasoning upon the subject, and in your reference to authority, the position of a neutral and belligerent in regard to the sale of ships belonging to another belligerent, and to have forgotten, as in the instance of your reference to a statement in a passage on the law of prize, that no neutral state (such as Great Britain now is) administers prize-law in favor of either belligerent. The neutral and belligerent have distinct rights in the matter—the neutral has a right to acquire such property offered to him for purchase; but the belligerent may, in the particular instances of the case, not recognize the transfer of such property as being

that of his enemy, only parted with to the neutral in order to protect it from capture on the high seas. The prize-court of the belligerent, when property so circumstanced is brought before it, decides whether the transfer is fair or fraudulent.

The British government, when neutral, is not bound to refuse to a British subject the right to acquire by purchase a vessel which a belligerent owner may desire to part with, but it would not deny the right of the adverse belligerent to ascertain, if such vessel were captured by its cruiser, whether the vessel had rightfully, according to the law of nations, come into the possession of the neutral; and if Great Britain were herself belligerent, she would not complain of a neutral government allowing one of its subjects to acquire by purchase a vessel which her adversary might desire to part with, though she would have the right of capturing such vessel on the high seas, and sending it before the prize-court for judgment as to whether the vessel had rightfully, according to the law of nations, become the property of a neutral arm.

I am, &c.,
(Signed) RUSSELL.

No. 69.

Mr. Hammond to the secretary to the board of trade.

FOREIGN OFFICE, *April* 22, 1863.

SIR: I am directed by Earl Russell to request that you will state to the lords of the committee of privy council for trade that, in a correspondence with Mr. Adams respecting the legality of the transfer by sale to the British merchant service of the steamer Sumter, or Gibraltar, which was lately a vessel of war belonging to the so-styled Confederate States, Lord Russell took occasion to observe that the neutral and belligerent have distinct rights in the matter; that the neutral has a right to acquire such property offered to him for purchase; but that the belligerent may, in the particular circumstances of the case, not recognize the transfer of such property as being that of his enemy only parted with to the neutral in order to protect it from capture on the high seas.

It follows that Her Majesty's government will not deny to the United States Government the right, supposing the Sumter were hereafter captured by any of its cruisers, to ascertain by proceedings before a United States prize-court whether that vessel had rightfully, according to the law of nations, become the property of a neutral owner. This appeal would of course be equally open to the owner.

Presuming that the lords of the committee have the means of ascertaining who are the present owners of the Sumter, or their agents at Liverpool, Lord Russell would feel obliged to their lordships if they would take measures for communicating this decision to them.

I am, &c.,
(Signed) E. HAMMOND.

[63] * No. 70.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 22, 1863. (Received April 23.)

MY LORD: I have carefully re-examined the positions taken in my note of the 11th of March, to which your lordship refers in yours of the 20th instant, as I always do when called upon by any comments you are pleased to make to me. But I confess myself at a loss to see the force of your objections. I did not forget the fact that no neutral state administers prize-law in favor of either belligerent. In the case of the Sumter, though I tried to explain the law in its fullest extent as applied to all belligerent vessels, whether war-ships or merchantmen, I called your lordship's particular attention to the fact that Her Majesty's government had recognized the Sumter as a war-ship of a belligerent in the port of Gibraltar, and to the further fact that it had never recognized the transfer of such a vessel to a neutral as valid, either in the exposition of public law as given by high authority in Great Britain, or in the practice of the nation when itself a belligerent. Hence it would appear as if Great Britain were now disposed to recognize the validity of an act of a belligerent toward herself, a neutral, which as a belligerent she has always refused to acknowledge when attempted by any other neutral nation. I cannot permit myself to imagine that your lordship has really intended to place Great Britain in a position which seems to my view singularly at war as much with the first principles of justice as with the reciprocal obligations of international law.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 71.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 8, 1863.

SIR: It is not necessary or desirable to prolong the controversy with regard to the steamer Gibraltar, otherwise Sumter. I shall therefore merely observe, with reference to the letter which you did me the honor to address to me on the 22d ultimo, that I have not stated any intention on the part of Her Majesty's government to deviate in this case from any acknowledged principles of international law, or from the exposition of those principles hitherto given in courts administering that law. On the contrary, it is the firm intention of Her Majesty's government, both in the case of the Sumter and in every other case, to abide by those principles which they have hitherto most scrupulously maintained during the whole course of the present war.

I am, &c.,
(Signed) RUSSELL.

No. 72.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, May 23, 1863. (Received May 23.)

MY LORD: I have the honor to transmit the copy of another deposition relating to the case of the steamer Phantom.

At the same time I seize the opportunity to mention that, from information received by the consul of the United States at Liverpool, I am led to the belief that preparations are actively in progress for the expediting of the Sumter from that port.

I pray, &c.,

(Signed) CHARLES FRANCIS ADAMS.

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[64] * No. 73.

Mr. Arbuthnot to Mr. Hammond, May 28, 1863.

[See case of the Phantom.]

[Inclosure 1 in No. 73.]

Mr. Gardner to Mr. Peel, May 27, 1863.

[Ibid.]

[Inclosure 2 in No. 73.]

Mr. Morgan to Mr. Edwards.

[Extract.]

LIVERPOOL, *May* 26, 1863.

With reference to the Sumter, now the Gibraltar, I have to observe that she has been quietly lying in the Great Float at Birkenhead since her arrival here, until Friday last, when she removed to the Clarence Dock, where she now lies, refitting for sea. Calais is said to be her intended destination.

All fittings for warlike purposes have been removed from her since she obtained her British registry at Gibraltar; and it appears, from private information received, that it is not intended to refit her for warlike purposes, perhaps because she is not well adapted to compete with modern vessels of war.

Agreeably with your directions, the watch over proceedings on board her will be continued, and I shall have the honor of reporting any circumstance of a suspicious nature.

[Inclosure 3 in No. 73.]

Mr. Edwards to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, May* 26, 1863.

HONORABLE SIRS: I beg a reference to the preceding report of the surveyor, Mr. Morgan, detailing all the information he has been able to obtain respecting the Sumter, and also to forward the board a note I have just received from Mr. Klingender, who is the present owner of the vessel, its name being now changed from Sumter to Gibraltar.

(Signed) S. PRICE EDWARDS,
Collector.

[Inclosure 4 in No. 73.]

Mr. Klingender to Mr. Edwards.

LIVERPOOL, *May* 26, 1863.

SIR: Hearing on board the steamship Gibraltar that a gentleman from Her Majesty's customs had been on board, I beg to inform you that I have chartered the said vessel to take about 250 tons of cargo, and am now landing all spare water-tanks, destroying her magazine, and cutting hatches in her maindeck for the purpose of receiving cargo.

I am, &c.,
(Signed) M. G. KLINGENDER.

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[65] *No. 74.

Earl Russell to Mr. Adams.

[Extract.]

FOREIGN OFFICE, *May* 30, 1863.

With reference to the Gibraltar, or Sumter, which you say you are informed is being prepared for sea, I have the honor to state to you that the report from the surveyor as to that vessel agrees with the information which has reached you so far as relates to her being prepared for sea. He moreover adds that all fittings for warlike purposes have been removed from her since she obtained her British registry, and that he has private information that it is not intended to refit her as a vessel of war.

No. 75.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, June 3, 1863. (Received June 3, 8.50 p. m.)

MY LORD: I have the honor to transmit copies of two depositions relating to the uses about to be made of the steamer Sumter, now called the Gibraltar. As I have already so fully explained the grounds of remonstrance against the course taken by Her Majesty's government in recognizing the transformation of that vessel, I can now only express my regret that those representations should have met with so little success. I can only add, that from a knowledge of the view entertained by my Government of this transaction, I feel it my duty, until further instructed, to continue to decline to recognize any change of the character of that vessel on the high seas.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 75.]

Declaration of Moses Lansing.

BOROUGH OF LIVERPOOL, *to wit:*

I, Moses Lansing, of Liverpool, in the county of Lancaster, in the United Kingdom of Great Britain and Ireland, hair-dresser, do solemnly and sincerely declare that I reside at No. 185 Great Howard street, in Liverpool, and in the course of my business come

much in contact with seamen. That on Saturday evening last, the 30th instant, four sea-faring men came to my shop on business, (to be shaved and have their hair cut,) and being acquainted with one of them, I entered into conversation with them about where they were bound to. They informed me they were working on board the Gibraltar, formerly the Sumter; that they were going to sign articles to go in her for three years; that they were not going to sign at the Sailors' Home, but on board the ship; that they were going out about Wednesday next, and expected to sign on Tuesday. That she, the Gibraltar, was to go to Nassau from Liverpool, and she was to go from there as a privateer, but they did not know her destination.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an act made and passed in the sixth year of the reign of his late Majesty King William IV, entitled "An act for the more effectual abolition of oaths and affirmations taken and made in various departments of the state, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths."

(Signed) MOSES LANSING.

Declared and subscribed at Liverpool, the 1st day of June, 1863, before me.

(Signed) J. PEARSON,

A Commissioner to Administer Oaths in Chancery in England.

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[66] * [Inclosure 2 in No. 75.]

Declaration of John Markham.

BOROUGH OF LIVERPOOL, *to wit:*

I, John Markham, of Liverpool, in the county of Lancaster, in the United Kingdom of Great Britain and Ireland, master mariner, do solemnly and sincerely declare that I reside at No. 2 Pool Road, Egremont. That on Saturday evening last I was in company with Thomas Burton, assistant dock-master, or dock-gateman, at Clarence half-tide dock, and was told by him that the steamer Gibraltar had taken on board two very large guns on Friday last; that he had seen them, and that they weighed several tons.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an act made and passed in the sixth year of the reign of his late Majesty King William IV, entitled "An act for the more effectual abolition of oaths and affirmations taken and made in various departments of the state, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths."

(Signed) JOHN MARKMAM.

Declared and subscribed at Liverpool, the 1st day of June, 1863, before me.

(Signed) J. PEARSON,

A Commissioner to Administer Oaths in Chancery in England.

No. 76.

Mr. Hammond to Mr. Hamilton.[1]

FOREIGN OFFICE, *June* 4, 1863.

SIR: With reference to previous correspondence respecting the Gibraltar, formerly Sumter, at Liverpool, I am directed by Earl Russell to request that you will acquaint the lords commissioners of Her Majesty's treasury that a deposition has been received from Mr. Adams, a copy of which shall be sent to you in the course of the day, from which it would seem that on Friday last the vessel took on board two very large

[1] A similar letter was addressed to the home office.

guns; and I am to request that immediate orders may be sent by telegraph to the proper authorities at Liverpool to ascertain whether this is the case, and if so, to take any steps that can legally be taken for preventing any violation of the law.

I am, &c.,
(Signed) E. HAMMOND.

No. 77.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June* 4, 1863.

SIR: Your letter of yesterday, respecting the Sumter, was unfortunately not delivered at the foreign office till 8.50 p. m., some time after the business of the day was ended and the office closed.

I have at the earliest possible hour this morning communicated with the treasury and home department, and I have requested that orders may at once be sent by telegraph to the proper authorities to pay immediate attention to the circumstances set forth in your letter.

I am, &c.,
(Signed) RUSSELL.

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[67] * No. 78.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
June 8, 1863. (Received June 8.)

SIR: With reference to your letters of the 4th instant, and their inclosures, respecting the supposed equipment of the Gibraltar for the service of the Confederate States, I am desired by the lords commissioners of Her Majesty's treasury to transmit, for the information of Earl Russell, copy of a report, and of its inclosures, dated the 5th instant, from the commissioners of customs.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No 78.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *June* 5, 1863.

SIR: With reference to your letter of yesterday's date, transmitting the inclosed letter from the foreign office respecting the equipment of the Gibraltar, late Sumter, at Liverpool for the Confederate States of America, and to the accompanying papers subsequently forwarded from the treasury to the board, I am directed to state, for the information of the lords commissioners of Her Majesty's treasury, that on the receipt of your letter the board at once communicated with their solicitor, and upon his recommendation a telegram was forthwith sent to the collector of this revenue at Liverpool, with instructions to ascertain and report whether, as alleged in the two papers, two guns had been put on board the Sumter, and, if so, their description; whether intended as merchandise, or shipped to be used by the vessel for belligerent purposes; and the board have this day received from the collector a report of the surveyor of customs who has personally inspected the vessel, from which it would appear that there were no guns of any description on board.

I inclose, by desire of the board, a copy of the surveyor's report, with a copy of the report of the solicitor of this department on the papers.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 78.]

Mr. Morgan to Mr. Edwards.

LIVERPOOL, *June* 4, 1863.

SIR: Referring to the telegram received to-day from the secretary to you, I beg to inform you that I have personally inspected the hold, &c., of the Gibraltar, and found no guns of any description on board.

She has on board as cargo for Callao a large quantity of heavy iron manufactures, which appear to me to be portions of powerful cranes, but nothing of a warlike character.

Very respectfully, &c.,
(Signed) E. MORGAN, *Surveyor.*

P. S.—I have not received any report of the arrival of the steamer Southerner, and am of opinion that she is not arrived to-day.

E. M.

[Inclosure 3 in No. 78.]

Mr. Edwards to the commissioners of customs.

CUSTOMS, *Liverpool, June* 4, 1863, 4.15.

HONORABLE SIRS: By the aforegoing statement it is shown that the information conveyed in the inclosed telegram is not well founded.

Respectfully, &c.,
(Signed) S. PRICE EDWARDS.

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[68] * No. 79.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *June* 8, 1863. (Received June 9.)

SIR: With reference to your letters of the 4th instant, I am directed by Secretary Sir George Grey to transmit to you herewith, to be laid before Earl Russell, copies of letters from the mayor of Hartlepool and town clerk of Middlesborough, stating that the vessel Southerner is in the port of Hartlepool; together with a copy of a report of the head constable of Liverpool, relative to the steamer Gibraltar, late Sumter, and stating that the Southerner is expected to arrive at that port on or about the 9th instant.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure 1 in No. 79.]

Mr. Gray to Mr. Waddington, June 5, 1863.

[See case of Southerner.]

[Inclosure 2 in No. 79.]

Newspaper extract.

[See case of Southerner.]

[Inclosure 3 in No. 79.]

Mr. Peacock to Mr. Waddington, June 5, 1863.

[See case of Southerner.]

[Inclosure 4 in No. 79.]

Police report.

LIVERPOOL CONSTABULARY FORCE,
CENTRAL POLICE OFFICE,
Friday, June 5, 1863.

The head constable has the honor to report, for the information of his worship the mayor, that he has caused inquiry to be made relative to the matters contained in two declarations forwarded to his worship from the home office (herewith, together with a communication from the United States minister, referring to the declarations, and a communication from the home office in reference to the Southerner, returned) respect, ing the screw-steamer Gibraltar, late Sumter, now taking in cargo in the Clarence Basin- and begs most respectfully to submit the following particulars:

The detective constable who has been specially employed on this particular duty, has for some time past been keeping a watch on the Gibraltar, from the time of her taking in coals while lying in the great float at Birkenhead up to the present date. He has seen machinery put on board, apparently parts of very large gun-carriages, some of which were in cases, and he has reason to believe that it must have been something of the kind seen by the dock-gateman, as mentioned in Captain Markham's declaration.

He has received information upon which he can rely that one of the two large guns about to be sent out in the Gibraltar is at present in the hands of the manufacturer here, and that by to-morrow evening he expects to be in possession of information as to where the other large gun is. He has reason to believe that the destination of the Gibraltar is Nassau.

Respecting the Southerner, he has received information that she is expected to arrive here on or about the 9th instant, and that she will be in charge of Captain Butcher, the same person who took the Alabama from this port.

(Signed) J. J. GREIG.

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[69] * No. 80.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *June* 9, 1863.

SIR: With reference to your letter of yesterday's date, inclosing a copy of a report dated the 4th instant, from the surveyor of customs at Liverpool, in which he states that he had personally inspected the hold of the Gibraltar, and had found no guns of any description on board, I am directed by Earl Russell to transmit to you, to be laid before the board of treasury, a copy, received through the home office, of a report from the head constable at Liverpool, dated the 5th instant,[1] from which it appears that the detective who has been watching the Gibraltar states that he has seen machinery put on board, apparently parts of very large gun-carriages, some of which were in cases; that he has received information, upon which he can rely, that one of the two large guns about to be sent out on the Gibraltar is at present in the hands of the manufacturer at Liverpool; that by to-morrow evening, *i. e.*, the 6th instant, he expected to be in possession of information as to where

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[1] Inclosure 4 in No. 79.

the other gun was; and that he has reason to believe that the destination of the Gibraltar is Nassau.

Lord Russell has no doubt that under these circumstances the lords of the treasury will think it right to direct that further inquiries respecting this vessel shall be set on foot by the customs authorities at Liverpool.

I am, &c.,
(Signed) E. HAMMOND.

No. 81.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
June 12, 1863. (Received June 12.)

SIR: With reference to your letter of the 9th instant respecting the vessel Gibraltar, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, two communications from the commissioners of customs, dated the 11th and 12th instant, together with a report dated this day, from their lordships' assistant solicitor; and I am to state that my lords propose writing to the commissioners of customs in the terms of Mr. Greenwood's report, provided Earl Russell sees no objection.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 81.]

Mr. Gardner to Mr. Hamilton.

[Immediate.]

CUSTOM-HOUSE, *June* 11, 1863.

SIR: With reference to the further communication from the foreign office respecting the vessel Gibraltar, (late Sumter,) which was yesterday transmitted from the treasury for the inquiry and report of this board, I am directed to acquaint you for the information of the lords commissioners of Her Majesty's treasury, that on receipt of the papers the board telegraphed to their collector at Liverpool, as follows:

"It is stated that machinery has been put on board the Gibraltar, apparently parts of very large gun-carriages, some of which were in cases. Inquire and report the result by this evening's post."

The board have this day received a letter from the collector at Liverpool, inclosing a report of the surveyor, from which it appears that having personally inspected the holds of the Gibraltar, he found in them a considerable quantity of machinery and heavy iron castings, which appear to be for a bridge. Some of the finer parts were in cases. There are no guns at present on board, but it is intended to ship two of great weight; and the surveyor submits whether any objection can be raised to such shipment as merchandise. He adds that a portion of the iron castings may be intended as the carriages for the two guns referred to.

[70] *I am at the same time to state that the collector has forwarded to the board an application of Messrs. Klingender & Co., the owners of the Gibraltar, desiring to be informed whether any objection will be made by the customs to the shipment of the guns; and as the collector has begged to be furnished with instructions on that application by telegraph, I am to submit a copy of the same herewith, and to signify the request of the board to be favored with their lordships' early directions, having to observe that the board are not aware of any customs law under which the exportation of the guns is prohibited. The vessel is entered out for Callao.

I am to add that the papers received from their lordships were transmitted to the collector at Liverpool by last night's post for his immediate inquiry and report, with respect to the statements therein contained.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 81.]

Messrs. Klingender & Co. to Mr. Edwards.

22 WATER STREET, *Liverpool, June* 10, 1868.

SIR: We have chartered our steamship Gibraltar to a gentleman in London, and among the cargo that the charter proposed to ship are two very large fort guns, 21 tons each, which can only be got on board and discharged by the help of a heavy crane.

The officers of the ship reported to us that Her Majesty's customs officers have more than once searched the vessel, and broken open packages to endeavor to discover concealed arms and guns. None are on board.

We wish respectfully to ask, if we allow the charterer to put on board the aforesaid two large fort guns, whether our ship will be seized by Her Majesty's customs, and we put to heavy expenses, without any redress upon the informer and his backers.

Under our charter we are liable for damages if we do not take this freight; on the other hand, from appearances, if we do receive it, Her Majesty's customs may seize the vessel.

We remain, &c.,
(Signed) M. G. KLINGENDER & CO.

[Inclosure 3 in No. 81.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *London, June* 12, 1863.

SIR: With reference to my letter of yesterday's date, I am now directed to return the papers respecting the vessel Gibraltar, (late Sumter,) which, it is alleged, is fitting out at Liverpool for the Confederate States of America, with a copy of the report of the surveyor of this revenue at Liverpool, dated the 11th instant, addressed to the collector at that port, from which it would appear that there is no reason to believe that the vessel is to be employed in any other than legitimate trade; and I am to signify the request of the board to be favored with their lordships' early directions on this case.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 4 in No. 81.]

Mr. Morgan to Mr. Edwards.

LIVERPOOL, *June* 11, 1863.

SIR: I have the honor to report that I have frequently been on board the Gibraltar since her arrival here, and this morning again personally inspected her hold, and satisfied myself as to my former statements being correct that she is not now destined to be employed in hostilities against the Government of the United States, nor has she on board any portion of a vessel's armament or warlike fittings.

There is a considerable quantity of manufactures of iron and castings, four of which latter have the appearance of being parts of heavy gun-carriages in a disjointed
[71] state; *but whether they are portions of the carriages of the guns which it is intended to ship, or parts of powerful portable cranes, engineers, whose attention I have drawn to them, cannot satisfactorily determine.

The cases on board have been examined, and found to contain the finer parts of a machine, among which are iron straps, or probably the breaks of a crane.

It need not be remarked that it is impossible for us to state what is the actual destination of any vessel. She is entered out for Callao; but, as she cannot carry more than sixteen days' consumption of fuel, she will be required to call at more than one intermediate coaling station.

Whatever may be her intended destination, her officers on board have no suspicion of its being any other than a strictly legitimate trade in which they are to be employed, and the cargo which has been shipped so far differs altogether from that which has been taken by vessels suspected of being intended to run the blockade.

I beg further to add, that I have applied at the office of the shippers of the heavy iron castings for information as to the intended use of them, but obtained no satisfactory reply. They stated that they knew nothing of them except as machinery.

Very respectfully submitted.
(Signed) E. MORGAN, *Surveyor.*

No. 82.

The law-officers of the Crown to Earl Russell.

[Pressing.]

TEMPLE, *June* 13, 1863. (Received June 13.)

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 12th June instant, stating that he was directed to transmit to us a letter from Mr. Adams, again calling attention to the Gibraltar, or Sumter, now fitting at Liverpool, and as to the destination of which vessel he entertains suspicions. Mr. Hammond was also pleased to inclose letters from the home office and treasury, containing the results of the inquiry which their respective officers have made in consequence of Mr. Adams's letter, and to request that we would take the same into consideration, and to report to your lordship what course Her Majesty's government should adopt under present circumstances.

In obedience to your lordship's commands we have taken this case into consideration, and have the honor to report—

That we are of opinion that this case has assumed a very suspicious aspect, but that the papers before us furnish no evidence which would warrant Her Majesty's government in directing the vessel to be seized for a violation of the foreign enlistment act. But we think that having regard to the previous history of this vessel, and to the request of Messrs. Klingender, (10 June, 1863,) Her Majesty's government ought to call upon those persons to furnish them with an explanation as to the necessity of, and reason for, placing these guns and gun-carriages on board, and to give directions to the proper officers of the customs to refuse the clearance until further orders. We shall be glad to have an opportunity of further considering this case when the communication from Messrs. Klingender shall have arrived.

We have, &c.,
(Signed) WM. ATHERTON.
R. PALMER,
R. J. PHILLIMORE.

No. 83.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *June* 14, 1863.

SIR: I am directed by Earl Russell to request that you will acquaint the lords commissioners of Her Majesty's treasury that his lordship lost no time in referring to the consideration of the law-officers of the Crown your letter of the 12th instant, inclosing further reports respecting the case of the Gibraltar, or Sumter, at Liverpool, and I am now to transmit to you, to be laid before their lordships, a copy of the report which
[72] * has been received from the law-officers[1], by which their lordships will perceive that the law-officers are of opinion that the parties interested in the vessel should be required to furnish further explanation respecting the guns to be embarked on board her, and that in the mean-

[1] No. 82.

time her clearance should be withheld; and I am to request that you will move the lords of the treasury to give immediate directions to the commissioners of customs in conformity with the opinion of the law-officers.

I am to return to you the original papers inclosed in your letter, of which Lord Russell would be glad to have copies as soon as they can be supplied.

I am, &c.,
(Signed) E. HAMMOND.

No. 84.

Mr. Peel to Mr. Hammond.

[Immediate.]

TREASURY CHAMBERS, *June* 10, 1863. (Received June 16.)

SIR: With reference to the previous correspondence respecting the shipment of guns on board the Gibraltar, I am desired by the lords commissioners of Her Majesty's treasury to transmit, for the information of Earl Russell, the inclosed papers, which have been received this day by their lordships from the commissioners of customs; and I am to request that you will move the secretary of state to inform this board whether his lordship is of opinion that the clearance of the vessel should continue to be withheld.

I am, &c.,
(Signed) F. PEEL.

[Inclosure 1 in No. 84.]

Mr. Gardner to Mr. Peel.

CUSTOM-HOUSE, *June* 16, 1863.

SIR: With reference to the order of the lords commissioners of Her Majesty's treasury of yesterday's date respecting the guns about to be shipped on board the vessel Gibraltar, late Sumter, I am directed to transmit the inclosed copies of reports of the collector of this revenue at Liverpool and surveyor at that port, dated the 15th, with a copy of a letter from Messrs. Klingender & Co. in reply to the inquiry directed by their lordships as to the necessity of, and reason for, placing the guns on board. I am at the same time to transmit the accompanying copy of a report of the board's solicitor on the matter, and to signify the request of the board to be informed whether, under the circumstances stated by the solicitor, their lordships desire that the order for refusing the clearance of the vessel should remain in force.

I am also to call your attention to the postscript to the report of the surveyor, stating the understanding upon which the information contained in his report was given to him.

I am, &c.,
(Signed) F. G. GARDNER, *Secretary.*

[Inclosure 2 in No. 84.]

Mr. Morgan to Mr. Gardner.

LIVERPOOL, *June* 15, 1863.

SIR: Referring to the steamer Gibraltar, formerly Sumter, I beg to report that since we were made aware that two heavy guns were intended to be shipped in that vessel, I have had a confidential conversation with one of the firm of Forrester & Co., of the Vauxhall foundry, where they were made and where they now are.

It appears from that gentleman's statements that their employer is Captain Blake

ley, formerly of the royal artillery; and he is under the impression that the guns are to accompany the vessel not further than Bermuda.

He further admitted that portions of the carriages had been shipped, and upon my referring to four heavy iron castings on board, he implied that they were component parts.

[73] *I further beg to state that Captain Blakeley's signature is attached to the charter-party, and that the vessel was entered outward for Callao under his directions, as stated by Mr. Klingender.

I have inspected the two guns, and am informed that they each weigh 21 tons, and are intended to throw a shot weighing 620 pounds.

Respectfully submitted.

(Signed) E. MORGAN.

P. S.—I beg to observe that the above information was communicated to me upon the understanding that no use should be made of it to the prejudice of my informants.

E. M.

[Inclosure 3 in No. 84.]

Mr. Edwards to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, June* 15, 1863.

HONORABLE SIRS: I beg to transmit, for the information of the board, the preceding report of Mr. Morgan, surveyor, with reference to the guns proposed to be shipped on board the Gibraltar, as directed by the telegram received from the chairman yesterday. I have called upon Messrs. Klingender & Co. for an explanation as to the necessity of and reason for placing guns and carriages on board the vessel, and will transmit their reply as soon as received, and I have given directions to refuse clearance to the vessel until further orders.

Since writing the aforegoing, the inclosed letter from Messrs. Klingender & Co. has been received.

(Signed) S. PRICE EDWARDS,
Collector.

[Inclosure 4 in No. 84.]

Messrs. Klingender & Co. to Mr. Edwards.

LIVERPOOL, *June* 15, 1863.

SIR: In reply to your favor of this date respecting the guns we wish to take as freight in the steamship Gibraltar, they being now in the Vauxhall foundery in this town, we requested Mr. Morgan, of Her Majesty's customs, to inspect the same. They are not capable of being used for sea-service, as he will no doubt report.

The charterer of the ship is Captain Blakeley, R. A., of London, who is the shipper of the two guns, with which we have nothing whatever to do, nor can we say to whom they are sold, as the ship is on a time charter.

Respecting gun-carriages, we are not aware that there are any on board the Gibraltar.

We remain, &c.,

(Signed M. G. KLINGENDER & CO.

No. 85.

The law-officers of the Crown to Earl Russell.

TEMPLE, *June* 20, 1863. (Received June 23.)

MY LORD: We are honored with your lordship's commands, signified in Mr. Hammond's letter of the 16th instant, stating that, with reference to our report of the 13th instant, upon the case of the Gibraltar, otherwise Sumter, he was directed by your lordship to transmit to us, together with the previous papers, a letter from the treasury, inclosing a letter from the commissioners of customs, forwarding a further report

from the surveyor at Liverpool and other papers, including an explanation from Messrs. Klingender & Co. with regard to the two heavy guns shipped on board that vessel.

Mr. Hammond was to request that we would take these papers into consideration, and furnish your lordship with our opinion as to the course which should be pursued by Her Majesty's government in regard to the Sumter.

[74] *In obedience to your lordship's commands, we have taken these papers into consideration, and have the honor to report—

That the letter of Messrs. Klingender & Co. is not satisfactory. Mr. Morgan does not vouch, as Mr. Klingender expects, that the guns in question are not fit for sea-use; and he does speak distinctly to the fact of gun-carriages being on board, of which fact Messrs. Klingender declare themselves to be ignorant.

We think that Mr. Morgan should be distinctly asked whether the guns are unfitted for sea use, and that Messrs. Klingender's attention should be drawn by Mr. Morgan (to whom they have themselves appealed) to the portions of gun-carriages and the heavy iron castings now on board, and a further explanation is required from them.

The solicitor to the customs appears, in his observations on this case, to leave entirely out of sight the previous history of the Sumter, but we think it better for Her Majesty's government to incur some possible risk of liability in damages for a temporary detention of the vessel than (having regard to that previous history and to the questions of maritime law which it may raise when the vessel is at sea) to acquiesce in her taking out what may prove to be a formidable armament without being satisfied, on reasonable grounds, that the guns, &c., are really intended for a lawful commercial purpose.

The names of Messrs. Klingender have appeared, in other transactions which have come under our notice, to be connected with the known agencies of the Confederate States at Liverpool; and no explanation as to the true destination and consignment, either of the vessel herself or of the guns, &c., or as to the occasion for shipping goods of this description on board, has yet been sought or offered from the alleged charterer, Captain Blakeley.

We have, &c.,
(Signed) WM. ATHERTON.
ROUNDELL PALMER.
ROBERT PHILLIMORE.

No. 86.

Mr. Waddington to Mr. Hammond.

WAITEHALL, *June* 22, 1863. (Received June 23.)

SIR: I am directed by Secretary Sir George Grey to transmit to you, for the information of Earl Russell, the inclosed copy of a further report from the head constable of Liverpool, respecting vessels fitting out in the port of Liverpool, which, it is supposed, are intended to act against the Government of the United States of America.

I have, &c.,
(Signed) H. WADDINGTON.

[Inclosure in No. 86.]

Police report.

LIVERPOOL CONSTABULARY FORCE, CENTRAL POLICE FORCE,
June 18, 1863.

The head constable has the honor to lay before his worship the mayor further reports respecting the fitting out of vessels in this port which are believed to be intended to act hostilely toward the United States of America. These reports are continued from Friday the 5th June up to the present date, both periods inclusive.

Friday, June 5, 1863.—The officer engaged in preparing reports in reference to large guns having having been put on board the screw-steamer Gibraltar; also engaged in reference to the new screw-steamer Southerner, recently launched at Stockton-on-Tees; also engaged visiting the steamship Gibraltar, which is now taking on board a large number of shells, weighing nearly three hundred-weight each; upward of fifty of them are on the dock-quay, and a number of men are engaged rolling them on board. She is still lying in the Clarence Basin, afterward, seeing persons relative to the two large guns said to have been put on board, was answered that they were the carriages and not the guns which had been put on board that day. The Phantom still remains in the Bramley Moor dock, and to all appearance she is ready for sea. Saw Mr.
[75] Thomas, the carpenter, who was *employed in building the steamship Alexandra and who is required as a witness, also seeing the United States vice-consul.

Saturday, June 8.—Engaged making further inquiry respecting the Gibraltar ascertained that she has now 150 shots, each weighing five hundred weight on board, and 50 shells of the same size, and nearly as heavy, are now ready to be put on board. One of the large guns had not been removed from the manufactory at 2 p. m., but the other has been taken away, but whether it has been put on board or not the officer has not been able to learn.

Monday, June 8.—Officer engaged making inquiry about the guns and shells for the Gibraltar, and finds that the two guns and carriages weighing 84 tons, and 50 shells, each weighing 300 pounds, are still in the manufactory here. Making inquiry and watching for the arrival of the Southerner, which is expected to-day. Ascertained that instructions had been given to the master carter to hold himself in readiness to remove the two guns and carriages. No definite time has been fixed for their removal except that it will be just as the Gibraltar is ready to sail.

Tuesday June 9.—Engaged seeing the United States consul and making inquiry respecting the guns, &c., for the Gibraltar also making inquiry about the steamship Southerner, which is daily expected.

Wednesday, June 10.—Engaged in obtaining further evidence respecting the Gibraltar. Ascertained that the Phantom sailed about 9 a. m. this day.

Thursday, June 11.—Engaged making inquiry about the Gibraltar. The guns are still in the manufactory. Making inquiry by order of Mr. Hamel, solicitor general to Her Majesty's customs, at the request of the United States consul, for Mrs. Mary Macmillan who is wanted as a witness; found her and reported to the United States consul. Afterwards engaged in a special misdemeanor case.

Friday, June 12.—Engaged making inquiry about the Gibraltar; the guns are not yet put on board. One hundred tons of lead were put on board to-day. This lead was brought from London in a steamer. Saw the manager of Messrs. Squarey & Co., relative to some other guns alleged to have been shipped here for the same vessel.

Saturday, June 13.—Seeing persons with a view to obtaining further information about the guns for the Gibraltar.

Monday June 15.—Engaged in obtaining further information respecting the steamship Gibraltar, but nothing new transpired.

Thursday, June 18.—Officer has had nothing to report since the 15th instant, until now. The steamship Southerner, Captain Butcher, arrived here yesterday from Hartlepool, and is now lying in the Huskisson dock.

(Signed) J. J. GREIG,
Head Constable.

No. 87.

Mr. Layard to the secretary to the treasury.

[Pressing.]

FOREIGN OFFICE, *June* 23, 1863.

SIR: With reference to your letter of the 16th instant, inclosing papers received from the commissioners of customs respecting the shipment of

guns on board the Gibraltar and requesting to be informed whether Earl Russell was of opinion that the clearance of that vessel should continue to be withheld, I am directed by his lordship to transmit to you a copy of a further report from the law-officers of the Crown,[1] pointing out in what respects the explanations furnished relative to these guns are unsatisfactory, and suggesting the further inquiries which they consider should be addressed to Mr. Morgan and to Messrs. Klingender respecting them.

I am accordingly to request that you will move the lords commissioners of Her Majesty's treasury to address the requisite instructions to that effect to the commissioners of customs, and I am to add that, under present circumstances, Lord Russell is of opinion that the Gibraltar's clearance should continue to be withheld.

The original papers which accompanied your letter are returned herewith. I am, however, to request that Lord Russell may be favored with copies of them as soon as possible.

I am, &c.,
(Signed) A. H. LAYARD.

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[76] *No. 88.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *June* 23, 1864. (Received June 24.)

SIR: I am directed by Secretary Sir George Grey to transmit to you, for the information of Earl Russell, the inclosed copy of a further report by the head constable at Liverpool as to the steamers Southerner and Gibraltar.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure in No. 88.]

Police report.

LIVERPOOL CONSTABULARY FORCE, CENTRAL POLICE OFFICE,
Saturday, June 20, 1863.

The head constable has the honor to lay before his worship the mayor further reports relative to the fitting out of vessels at this port, &c., continued from Thursday, June 18.

Friday, June 19.—The officer was engaged making further inquiry respecting the Southerner. She is still lying in the Huskisson dock, taking in coals from flats; also engaged respecting some witnesses in the trial of the Alexandra, about to come on in London on Monday next.

Saturday, June 20, 11 *o'clock a. m.*—Up to this time no change has taken place in either of the steamships Gibraltar or Southerner. The former appears quite ready for sea, and from her appearance it seems that the two large guns and carriages are not intended to be sent out in her. They are still in the manufactory, and the officer has been informed that they are likely to be sent from here by railway, to be shipped for some foreign port.

(Signed) J. J. GREIG,
Head Constable.

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[1] No. 85.

No. 89.

Mr. Hammond to Mr. Waddington.

FOREIGN OFFICE, *June* 25, 1863.

SIR: I have laid before Earl Russell your letters of the 22d and 23d instant, inclosing a copy of a further report from the head constable of Liverpool, respecting vessels fitting out at that port, which, it is supposed, are intended to act against the government of the United States.

I am, in reply, to request that you will move Secretary Sir George Grey to give directions to the police to continue to watch these vessels.

I am, &c.,
(Signed) E. HAMMOND.

No. 90.

Mr. Arbuthnot to Mr. Hammond.

[Immediate.]

TREASURY CHAMBERS, *June* 29, 1863. (Received June 29.)

SIR: With reference to former correspondence on the subject of the vessel Gibraltar, or Sumter, I am commanded by the lords commissioners of Her Majesty's treasury to transmit herewith copy of a further letter from the commissioners of customs, with its inclosures, being explanations upon the points adverted to by the law-officers of the Crown in their report to the secretary of state; and I am to request that, in laying these papers before Earl Russell, you will move his lordship to favor this board with his views as to the instructions to be now given to the commissioners of customs.

I am, &c.,
(Signed) G. ARBUTHNOT.

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[77] [Inclosure 1 in No. 90.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *June* 29, 1863.

SIR: Pursuant to the order of the lords commissioners of Her Majesty's treasury, dated the 24th instant, inclosing a copy of a report of the law-officers of the Crown relating to the vessel Gibraltar, late Sumter, and desiring that, in accordance with the opinion of the law-officers, the board would call upon Mr. Morgan, one of the surveyors of this revenue at Liverpool, and Messrs. Klingender & Co., the owners of the ship, for further explanation, and that in the mean time the clearance of the vessel might be withheld, I am directed to state that the necessary orders were issued to the collector at Liverpool accordingly, and I am now directed to transmit to you the inclosed copy of a report from the collector at Liverpool, dated 27th instant, with copies of the papers therein referred to, and to signify the request of the board to be favored with their lordship's further and immediate instructions in this matter with reference to the ruling of the lord chief baron in the case of the vessel Alexandra, and to the fact that there is no law prohibiting the exportation of the guns shipped in the Gibraltar.

I have, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 90.]

Mr. Edwards to the commissioners of customs.

CUSTOMS, *Liverpool, June 27*, 1863.

HONORABLE SIRS: The clearance of the vessel Gibraltar shall be withheld as directed. I have had the accompanying letter from Mr. Blakely, (formerly of the royal artillery,) and have returned him an answer, a copy of which I inclose. The guns are being shipped to-day. The carriages for the guns are in the ship, as admitted to me by Mr. Blakely, the shipper. The cannon weighed 21 tons each gun, and are larger than could be used on board any ship, as they carry shot weighing 600 pounds each shot; but the question as to their destination is not answered, although the conclusion at which I arrived from the conversation I had with the shipper and Mr. Klingender, the owner of the ship, was that the whole cargo was for Nassau, and that it would find its way from that place to the Confederate States. Anyhow, I could not get from the parties the slightest amount of information touching the ultimate destination of the guns, save by placing inferences on their remarks. If the sending of the guns to the Confederate States be an unlawful disposal of them, then I am satisfied the destination of the guns will be an infringement of the law; but I see no means of proving the case, nor by what means a shipment to Nassau can be stopped. Indeed, goods destined for the confederates are being shipped daily, although nominally for the Bahamas.

Respectfully,
(Signed) S. PRICE EDWARDS.

[Inclosure 3 in No. 90.]

Captain Blakely to Mr. Edwards.

GOUGH'S HOTEL, *Birkenhead, June 27*, 1863.

SIR: I have the honor to inclose to you a copy of a letter I have received from Mr. Klingender, the owner of the steamship Gibraltar, chartered by him to me. I have taken on board this vessel a large quantity of quartermaster-general's stores, and I am to-day completing the cargo by shipping two large guns.

These are destined for a fortress, and are so large (21 tons) that they are utterly incapable of being used on board any ship yet built, even the Great Eastern.

I give you this explanation in order to show you that there is no intention to arm the Gibraltar with them, this appearing to me (notwithstanding Mr. Klingender's letter) to be the probable reason for the course taken by Her Majesty's customs, to whom I cannot suppose the ultimate destination of the guns to be a matter of any interest.

[78] *I shall feel obliged if, after this explanation, you will either give Mr. Klingender the necessary clearances or assign to me the reason why they are refused.

I have, &c.,
(Signed) J. A. BLAKELY

P. S.—My address after to-day will be 35 Parliament street, London, S. W.
J. A. B.

[Inclosure 4 in No. 90.]

Messrs. Klingender & Co. to Captain Blakely.

LIVERPOOL, *June 26*, 1863.

DEAR SIR: We are informed by the collector of Her Majesty's customs for this port that if we permit you to ship the two large fort-guns on board the steamship Gibraltar, that vessel will not be allowed to clear, thus preventing us performing our charter-party with you. This action on the part of Her Majesty's government is based upon the suspicion that, ultimately, your fort-guns may find their way into the southern confederacy, the collector, in reply to our question, having informed us that if the fort-guns were for the Federal or Northern Government, no obstacle would be placed in the way of their being shipped, stating at the same time that such shipments to New York were of common occurrence.

Under these circumstances we must beg of you to relieve us from this unpleasant position. We will relinquish the charter with you, if you wish to do so; or, should

you prefer adhering to it, we can readily find you other cargo to fill the ship with. If you insist upon sending the fort-guns on board, we, of course, must receive them, whatever the consequence may be; but, in that case, the expenses of detention must fall upon you. Up to this time we consider them as resting upon us, as you have delayed the shipment at our request.

We are, &c.,
(Signed) M. G. KLINGENDER & CO.

[Inclosure 5 in No. 90.]

Mr. Edwards to Captain Blakely.

CUSTOM-HOUSE, *Liverpool, June* 27, 1863.

SIR: In reply to your letter of this day's date, requesting to be informed why a clearance cannot be given for the Gibraltar, I have the honor of acquainting you that a stop has been put to the clearance, by the directions of the honorable the commissioners of Her Majesty's customs, before whom I shall forthwith lay your letter, with a view to their giving any further directions they may think fit on the subject.

I am, &c.,
(Signed) S. PRICE EDWARDS,
Collector.

No. 91.

Mr. Waddington to Mr. Layard.

[Immediate.]

WHITEHALL, *June* 29, 1863. (Received June 30.)

SIR: I am directed by Secretary Sir George Grey to transmit to you herewith copies of a letter from the mayor of Liverpool, and of a further report from the head constable of that borough, relative to vessels in that port which, it is supposed, are intended to act hostilely against the Government of the United States. And I am to request that you will submit the same to Earl Russell and move his lordship to inform Sir George Grey whether, on consideration of the last paragraph of the mayor's letter, he continues of opinion that instructions should be given to the police to continue to watch those vessels, agreeably to the wish expressed in your letter of the 25th instant.

I am, &c.,
(Signed) H. WADDINGTON.

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[79] *[Inclosure 1 in No. 91.]

Mr. Shuttleworth to Mr. Waddington.

TOWN HALL, *Liverpool, June* 26, 1863.

SIR: I beg to forward further report, made by the head constable to the mayor to-day on the subject of vessels in this port believed to be acting hostilely toward the United States Government. This seems to exhaust the means of information to be obtained upon this subject; and referring to your letter of the 5th instant, I have to inform you that the head constable, considering the very great inconvenience which results from the officer being specially detached for this duty, has withdrawn such officer from the same.

I am, &c.,
(Signed) WM. SHUTTLEWORTH,
Town Clerk.

[Inclosure 2 in No. 91.]

Police report.

LIVERPOOL CONSTABULARY FORCE, CENTRAL POLICE OFFICE,
Thursday, June 25, 1863.

The head constable has the honor to lay before his worship the mayor further reports relative to the fitting out of vessels in this port believed to be intended to act hostilely toward the United States Government. These reports are continued from Monday, the 22d instant, up to this day.

Monday, June 22.—Officer continuing his inquiries respecting the steamships Southerner and Gibraltar, both of which remain in the same condition as they were in on Saturday.

Tuesday, June 23.—The Southerner is still lying in the Trafalgar dock, apparently undergoing some slight alteration, testing her machinery, &c.

Thursday, June 25.—The Southerner has been surveyed by Mr. Byrne and a gentleman from one of Her Majesty's dock-yards, and they declare that her construction and fittings show her to be adapted for a passenger-ship. Officer has seen the town clerk and the United States vice-consul, and has reported verbally to them the result of his inquiries. The town clerk instructed officer to report to the head constable that, as the Gibraltar is now being watched by the officers of Her Majesty's customs and as the United States vice-consul believes nothing more need be done at present in the matter, the services of the officer specially employed may be discontinued from this date.

Under these circumstances the head constable would submit to his worship that the officer be withdrawn from this duty, which has, from the beginning, been one of no small difficulty and attended with no small degree of anxiety.

(Signed) J. J. GREIG,
Head Constable.

No. 92.

The law-officers of the Crown to Earl Russell.

[Immediate.]

TEMPLE, *July* 2, 1863. (Received July 2.)

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 29th ultimo, stating that, with reference to our report of the 20th ultimo, pointing out that the explanations respecting the guns to be shipped on board the Gibraltar (or Sumter) were not satisfactory, he was directed by your lordship to transmit to us, together with the previous papers, the draught of the letter which was thereupon addressed to the treasury, requesting that further explanations should be called for, and that in the mean time the Gibraltar's clearance should be withheld; and also a letter which had that day been received by your lordship from the treasury, inclosing further papers received from the customs in this case.

Mr. Hammond was also pleased to state that he was directed by your lordship to request that we would take these further papers into our consideration and favor your lordship at our earliest convenience with our opinion as to the course which should now be pursued by Her Majesty's government in regard to the Gibraltar.

[80] *In obedience to your lordship's commands, we have taken these papers into our consideration, and have the honor to report—

That we are of opinion that, as it now appears that the guns on board the Gibraltar are not adapted for use on board that vessel, but are to be carried out as merchandise, the clearance of that vessel should be no longer delayed.

We have, &c.,
(Signed) WM. ATHERTON.
ROUNDELL PALMER.
R. J. PHILLIMORE.

No. 93.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *July* 2, 1863.

SIR: With reference to your letter of the 29th ultimo, I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of Her Majesty's treasury, a copy of a report from the law-officers of the Crown,[1] stating that they are of opinion that as the guns on board the Gibraltar are not adapted for use on board that vessel, but are to be carried out as merchandise, the clearance of that vessel should be no longer delayed.

I am to request that you will move the lords of the treasury to give directions to the commissioners of customs accordingly.

I am, &c.,
(Signed) E. HAMMOND.

No. 94.

Major-General Sir E. Lugard to Mr. Hammond.

WAR OFFICE, *September* 15, 1863. (Received September 16.)

SIR: Referring to the previous correspondence relative to the sale, at Gibraltar, of the confederate steamer Sumter, I am directed by the secretary of state for war to transmit to you, for the information of Earl Russell, the accompanying copy of a dispatch from Lieutenant-General Sir William Codrington, in which he reports that he had consented to the guns which had been landed from that vessel being removed from Gibraltar by the purchaser.

I have, &c.,
(Signed) EDWARD LUGARD.

[Inclosure in No 94.]

Lieutenant-General Sir W. Codrington to Earl de Grey and Ripon.

GIBRALTAR, *September* 3, 1863.

MY LORD: I have the honor to inform you that application has been made to me to allow the guns belonging to the late confederate steamer Sumter to be forwarded to Messrs. M. G. Klingender & Co., at Liverpool, that firm having purchased the guns with the vessel.

I am not aware of the nature of these guns, and have sanctioned the application.

I have, &c.,
(Signed) W. CODRINGTON.

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[81] *No. 95.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *February* 24, 1864.

SIR: In the letter from Messrs. Klingender & Co., of Liverpool, to Captain T. A. Blakeley, in London, dated Liverpool,

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[1] No. 92.

June 26, 1863, which was published at page 8 of the papers headed "Vessel Gibraltar," presented to the House of Commons in the month of July, 1863, the following passage occurs: "This action on the part of Her Majesty's government is based upon the suspicion that ultimately your fort guns may find their way into the southern confederacy; the collector," (*i. e.*, the collector of Her Majesty's customs at Liverpool,) "in reply to our question, having informed us that, if the fort guns were for the Federal or Northern Government, no obstacles would be placed in the way of their being shipped; stating, at the same time, that such shipments to New York were of common occurrence."

As this passage has been twice quoted in the House of Commons, and has received no contradiction, Lord Russell requests that you will move the lords commissioners of Her Majesty's treasury to have the goodness to ascertain from the collector of customs of Liverpool whether this statement correctly represents what he said to Messrs. Klingender & Co., and, if not, what he really did say.

I am, &c.,
(Signed) E. HAMMOND.

No. 96.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
February 29, 1864. (Received February 29.)

SIR: With reference to your letter of the 24th ultimo, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you herewith a copy of a report dated 27th ultimo, from the commissioners of customs, and of a letter from Mr. Price Edwards, collector of customs at Liverpool, dated 26th ultimo, relating to a statement alleged to have been made by him in regard to the shipment of guns on board the ship Gibraltar, and I am to request that you will state to Earl Russell, with reference to Mr. Edwards's letter, that it appears to this board to correct the wrong interpretation put upon Mr. Edwards's statement by Mr. Klingender.

I am to observe that at the time of the conversation a clearance had been refused to the Gibraltar, because it was supposed that guns were about to be placed in her, not as merchandise, but as part of her armament, and intended to be used by her in hostilities; the refusal of the clearance being, however, only maintained pending further explanation.

In this state of things Mr. Klingender inquired from Mr. Edwards whether there would be any objection to the shipment of such guns to New York.

The meaning attached to this question by Mr. Edwards appears to have been that it related to guns shipped as merchandise, and not as part of an armament of a vessel of war, and he accordingly replied that there would be no objection, adding that such shipments to New York were of common occurrence.

As soon as Her Majesty's government was satisfied that the guns in question were not and could not be intended to form part of the armament of the Gibraltar, the clearance was immediately granted.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 96.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *February* 27, 1864.

SIR: With reference to your letter of the 25th instant, I am desired to transmit to you herewith, for the information of the lords commissioners of Her Majesty's treasury, copy of a report, with its inclosure, which the board have received from their collector at Liverpool with respect to a statement alleged to have been made
[82] by him concerning the *shipment of guns in the Gibraltar, and referred to in page 8 of the Parliamentary Return dated 20th July, 1863, No. 461.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 96.]

Mr. Edwards to the Commissioners of Customs.

CUSTOM-HOUSE, *Liverpool, February* 26, 1864.

HONORABLE SIRS: I have this morning received your order of the 25th instant, inclosing the copy of a letter from the foreign office dated the 24th instant, respecting a statement alleged to have been made by me concerning the shipment of guns on the Gibraltar, and directing me to report whether the statement correctly represents what I said to Messrs. Klingender & Co., and, if not, what I really did say.

I beg to report that, pursuant to your order of the 15th June last, I called upon Messrs. Klingender & Co. for an explanation as to the necessity of and reason for placing the guns and gun-carriages on board the ship in question, and placed a stop in the clearing of the ship until further orders. In consequence of this, Mr. Klingender and his solicitor called upon me, and, in the course of conversation, inquired whether there would be any objection to the shipment of such guns to New York. Before replying to the question, I sent for the principal office-searcher, whose report I annex, and ascertained from him that shipment of all kinds of arms and guns to New York was continually going on, and I then answered that there would be no objection to the exportation of such guns to New York.

I may add that shipments of this kind to New York had been continually going on since the commencement of the war between the Federal and Confederate States, and that on the 16th of last February I transmitted to Sir Thomas Fremantle, for the information of the war office, an account of the shipment of arms, &c., to America, showing the quantity, description, and value. No opinion was given by me as to the facility of shipping arms, either for the Federal or confederate government, as I had nothing to do with reference to the ultimate destination of goods, but merely to reply to an inquiry whether they could be shipped to New York; nevertheless, the inference was a very natural one, that if arms were forwarded to New York they would be for the use of the Federal Government; and hence, possibly, Mr. Klingender, whom I have not seen since, and of whom I had no knowledge previously, may have formed his conclusions. I herewith return the copy of the letter from the foreign office.

(Signed) S. PRICE EDWARDS.

[Inclosure 3 in No. 96.]

Mr. Goold to Mr. Edwards.

SEARCHER'S OFFICE, *February* 26, 1864.

SIR: I beg to state that I remember being asked by you, in the presence of Mr. Hall, attorney, who had called to make inquiries respecting the shipment of two guns on board the vessel Gibraltar, whether arms were shipped to New York, to which I replied that they were.

An account of the number and value of rifles exported to ports in the United States of America during the year 1862, and openly cleared as arms, was forwarded to the board on the 16th February, 1863.

I beg to add that arms and other munitions of war are still being shipped to the United States.

(Signed) H. GOOLD, *Assistant Surveyor.*

[83] *NASHVILLE.

Number.	From whom and to whom.	Date.	Subject.	Geneva edition.	Second edition.
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1	Colonial office to foreign office..	Nov. 29, 1861	Arrival of the confederate steamer Nashville at Bermuda. Proceedings of governor. Refusal to supply her with coal from government stores.	87	123
2	Foreign office to colonial office..	Nov. 30, 1861	Agree in approval of authorities at Bermuda.	90	125
3	Admiralty to foreign office....	Nov. 21, 1861	Arrival of Nashville at Southampton.	90	126
4	Law-officers to Earl Russell ...	Nov. 22, 1861	It is inferred that the Nashville is a regularly commissioned vessel of war. She must not be allowed to increase her warlike force within British jurisdiction.	90	126
5	Foreign office to admiralty and home office.	Nov. 22, 1861	The Nashville must not be allowed to increase her equipment.	91	127
6	Admiralty to foreign office....	Nov. 22, 1861	Further particulars as to Nashville and commissions held by her officers. Destruction of the Harvey Birch by her.	91	127
7	Mr. Adams to Earl Russell....	Nov. 22, 1861	Requests investigation as to the character of the Nashville and supposed design to fit her out in England for warlike purposes.	92	128
8	Earl Russell to Mr. Adams....	Nov. 23, 1861	His letter shall receive immediate attention. Orders already given to prevent infringement of foreign-enlistment act.	95	132
9	Admiralty to foreign office....	Nov. 23, 1861	Copies of articles of crew and commissions of officers of the Nashville.	95	132
10	Messrs. Oliverson, Lavie, and Peachey to Earl Russell.	Nov. 25, 1861	For summons or warrant against commander of Nashville on behalf of the owners of the Harvey Birch.	97	134
11	Home office to foreign office...	Nov. 25, 1861	Instructions to commissioners of customs and mayor of Southampton to prevent equipment of the Nashville.	98	135
12	Law-officers to Earl Russell...	Nov. 25, 1861	Opinion on Mr. Adams's representation. The Nashville cannot be considered a pirate. Steps should be taken to prevent infringement of foreign-enlistment act.	98	136
13	.....do	Nov. 26, 1861	Answer to be returned to Messrs. Oliverson, Lavie, and Peachey. Her Majesty's government cannot interfere.	100	137
14	Foreign office to Messrs. Oliverson, Lavie, and Peachy.	Nov. 27, 1861	Cannot interfere in question between owners of Harvey Birch and commander of the Nashville.	100	138
15	Earl Russell to Mr. Adams....	Nov. 28, 1861	Answer to his note of November 22. Nashville is a vessel of war. Care will be taken to prevent any infringement of neutrality.	101	138
16	Mr. Adams to Earl Russell....	Dec. 2, 1861	Answer to above. Satisfaction at measures taken to prevent violation of neutrality.	102	140
17	Home office to foreign office...	Dec. 6, 1861	Report from customs. Nashville placed in dock for repairs.	102	140
18	.....do	Dec. 7, 1861	Further report from customs. Nature of proposed repairs.	103	141
19	Earl Russell to Mr. Adams....	Dec. 8, 1861	Forwarding above reports	103	141
20	Home office to foreign office...	Dec. 16, 1861	Report from town clerk of Southampton. Repairs being made to Nashville.	103	141
21	Foreign office to admiralty....	Dec. 19, 1861	Naval officer at Southampton should visit Nashville and report what is taking place.	104	142
22	Admiralty to foreign office....	Dec. 24, 1861	Report of Captain Patey. Nashville has received no warlike fittings.	104	142
23	Earl Russell to Mr. Adams....	Dec. 27, 1861	Forwarding above report.....	105	143
24	Mr. Adams to Earl Russell....	Dec. 28, 1861	Gratification at supervision exercised. Deposition of one of the crew of Nashville that she was represented to the governor of Bermuda to be a merchant-vessel.	105	143
25	Earl Russell to Mr. Adams....	Jan. 1, 1862	Will request colonial office to inquire as to truth of above statement.	107	145

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27	Admiralty to foreign office....	Jan. 10, 1862	Men from United States steamer Tuscarora found watching the Nashville.	107	146
28	Foreign office to admiralty....	Jan. 10, 1862	Measures to be taken to prevent hostilities between Federal and confederate vessels.	108	146
29	[86] *Earl Russell to Mr. Adams.	Jan. 10, 1862	Men found watching the Nashville. Hostilities cannot be permitted, and twenty-four hours must elapse between departure of Federal and confederate vessels.	108	146
30	Admiralty to foreign office....	Jan. 11, 1862	Letter addressed to commander of Tuscarora by captain of Her Majesty's ship Dauntless. Twenty-four hours must elapse between departure of hostile vessels.	108	147
31	.....do.....	Jan. 11, 1862	Commanders of Tuscarora and Nashville have promised to observe twenty-four hours' rule.	109	148
32	.....do.....	Jan. 13, 1862	Reply of commander of Tuscarora to captain of Dauntless.	109	148
33	.....do.....	Jan. 13, 1862	Tuscarora has left Southampton and is off Calshot light-house.	110	149
34	.....do.....	Jan. 13, 1862	Tuscarora returned to Southampton..	110	149
35	.....do.....	Jan. 13, 1862	Correspondence with commanders of Nashville and Tuscarora as to observance of twenty hours' rule.	111	149
36	.....do.....	Jan. 15, 1862	Tuscarora has again left Southampton. Captain Patey's communications with commanders of the two vessels.	112	151
37	.....do.....	Jan. 21, 1862	Tuscarora gone down Southampton Water.	113	151
38	.....do.....	Jan. 22, 1862	Tuscarora again returned to Southampton.	113	152
39	.....do.....	Jan. 26, 1862	The proceedings of the Tuscarora amount to a blockade of the Nashville. Written promises to be obtained from commander of each vessel to give twenty-four hours' notice of his departure.	114	152
40	Foreign office to admiralty....	Jan. 26, 1862	Nashville and Tuscarora should be required to put to sea with an interval of twenty-four hours. Nashville to go first.	115	153
41	Admiralty to foreign office....	Jan. 27, 1862	Tuscarora has notified intention to leave.	115	154
42	Foreign office to admiralty....	Jan. 28, 1862	Acknowledging above.....	116	154
43	Admiralty to foreign office....	Jan. 28, 1862	Tuscarora has deferred departure on account of weather. She has been required to put to sea.	116	154
44	.....do.....	Jan. 29, 1862	Tuscarora has left Southampton.....	116	155
45	Mr. Adams to Earl Russell....	Jan. 29, 1862	Complaining of requisition to Tuscarora to put to sea.	116	155
46	Admiralty to foreign office....	Jan. 29, 1862	Correspondence between Captain Patey and commander of Tuscarora.	118	157
47	Foreign office to admiralty....	Jan. 30, 1862	Mr. Adams's complaint as to treatment of Tuscarora. To furnish statement of reasons.	119	157
48	Earl Russell to Mr. Adams....	Jan. 30, 1862	Has applied to admiralty for statement of reasons for proceedings in regard to Tuscarora.	119	158
49	Admiralty to foreign office....	Jan. 31, 1862	Statement of proceedings with regard to Nashville and Tuscarora.	119	158
50	Earl Russell to Mr. Adams....	Feb. 1, 1862	Summary of proceedings as regards Tuscarora and Nashville. Her Majesty's government have reason to complain of the conduct of the former as an attempt to carry on hostilities in neutral waters.	121	160
51	Admiralty to foreign office....	Feb. 3, 1862	Tuscarora has left Portland, and is passing inward. If she anchors she will be detained till twenty-four hours after Nashville.	122	160
52	.....do.....	Feb. 4, 1862	Return of Tuscarora to Cowes. Departure of Nashville. Tuscarora warned not to sail till twenty-four hours afterward.	122	161

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54	Colonial office to foreign office.	Mar. 18, 1862	Dispatch from governor of Bermuda. No truth in statement that Nashville had been represented to him to be a merchant-vessel.	126	164
55	Admiralty to foreign office....	Mar. 19, 1862	Visit of the Nashville at Bermuda from 20th to 24th February. Precautions taken to insure neutrality.	127	165
56	Earl Russell to Mr. Adams....	Mar. 24, 1862	It is not true that the Nashville was represented to the governor of Bermuda to be a merchant-vessel.	127	166
57	Colonial office to foreign office.	Mar. 31, 1862	Nashville arrived at Bermuda and took in coal from the Mohawk. Precautions taken to insure neutrality.	128	166

No. 1.

Mr. Elliot to Mr. Hammond.

[Extract.]

DOWNING STREET,
November 29, 1861. (Received November 30.)

NASHVILLE.—Correspondence.

I am directed by the Duke of Newcastle to transmit to you the inclosed copy of a dispatch from the governor of Bermuda, reporting his proceedings on the occasion of the visit to Bermuda of the Confederate States steam-vessel Nashville.

I am also desired to inclose a draught of the answer which the Duke of Newcastle proposes, should Earl Russell concur, to address to Governor Ord.

The circular dispatch alluded to in that answer is one founded upon a report of the law-officers of the Crown.

[Inclosure 1 in No. 1.]

Governor Ord to the Duke of Newcastle.

BERMUDA, *November* 2, 1861.

MY LORD DUKE: I have the honor to acquaint your excellency that these islands were visited on the 30th ultimo by the Confederate States paddle-wheel steamer Nashville, commanded by Lieutenant Peagram, and having on board Lieutenant Colonel Peyton, of the Confederate States army, said to be a minister from those States to the court of Spain, with numerous other officers and persons apparently connected with the ship. The vessel anchored off the dock-yard, and Lieutenant Peagram and Colonel Peyton at once called upon Captain Hutton, R. N., the superintendent, and requested him to supply their vessel with 600 tons of coal, it being their wish to proceed to sea as early as possible.

2. In reply Captain Hutton informed them that he was expecting almost immediately the arrival of the admiral commander-in-chief, accompanied by a large squadron of our own ships, and that he feared he would not be justified in complying with their application.

3. These officers then waited upon me and preferred the same request, to which I replied that I was aware that Captain Hutton anticipated that he would very shortly have a heavy demand made upon his store of coal, and that, in view of the probable wants of our fleet, I did not feel justified in urging him to furnish what they required. I added that I was informed that offers had been made by private persons to supply them with coal at St. George's; and, after a further effort to obtain the government coal by offering to replace what they were supplied with from private sources, an arrangement which I assured them was inadmissible with a government establishment, they left me, apparently not dissatisfied, and proceeded at once to St. George's, where, I am informed, they have taken in about 600 tons of coal.

4. Directly after they left me I received two letters from the United States consul at St. George's, copies of which, with my reply, accompany this dispatch.

5. The object of the Nashville's visit has not been distinctly stated; but there can be no doubt that she is bound to England, and that she has on board persons who will endeavor to excite an interest in the favor of the Confederate States at some of the European courts, and probably to obtain supplies of material and stores for the support of their cause.

[88] *6. It had been reported that the Nashville left Charleston on the 12th ultimo with Ex-Senators Slidell and Mason as representatives from the Confederate States to the governments of France and England; that she had $2,000,000 on board for the purchase of material, and was intended to coal at Bermuda. This report no doubt led to the calling in here on the 20th ultimo of the United States steam-vessel Connecticut, which left immediately after and proceeded, apparently, to cruise south.

7. It appears from the report of the Nashville's officers that these ex-senators really did break the blockade about the time named, but in a smaller vessel, and that they reached Havana on their way to England. The United States steam-vessels being thus put upon a wrong scent, the Nashville ran the blockade the night of the 26th, probably with the remainder of the Confederate States representatives and the specie, and got to Bermuda in safety, from which she has every chance of reaching England unmolested by the United States vessels of war.

I trust my proceedings on this occasion will meet your grace's approval.

I have, &c.,
(Signed) H. ST. GEORGE ORD.

[Inclosure 2 in No. 1.]

Mr. Wells to Governor Ord.

UNITED STATES CONSULATE,
St. George's, October 30, 1861.

SIR: I have the honor to inform your excellency that an armed steam-vessel, under the flag of the so-called Confederate States of America, arrived here this afternoon, and is now at anchor near Her Majesty's navy-yard.

This vessel has, I learn, called here to obtain a supply of coal; and, as she has been sent out for the purpose of committing depredations on the commerce of the United States, I respectfully solicit that your excellency will be pleased to order that no supplies may be granted to her here.

I have, &c.,
(Signed) F. B. WELLS.

[Inclosure 3 in No. 1.]

Mr. Wells to Governor Ord.

UNITED STATES CONSULATE,
St. George's, October 31, 1861.

SIR: I have been informed this morning that the steam-vessel, in reference to which I had the honor yesterday to address your excellency, is now on her way to this port, where arrangements have been made with John T. Fisher, esq., police magistrate of this town, to supply her with coal.

I have, &c.,
(Signed) F. B. WELLS.

[Inclosure 4 in No. 1.]

Governor Ord to Mr. Wells.

MOUNT LANGTON, *October* 31, 1861.

SIR: I have the honor to acknowledge the receipt of your communication of the 30th instant, informing me that an armed steam-vessel, bearing the flag of the so-called Confederate States of America, has arrived here for the purpose of obtaining a supply of coal, and requesting me to order that no supplies may be granted to her; and in reply I beg to acquaint you that the officer commanding this vessel has made an application to be allowed to draw a supply of coal from the stores of Her Majesty's dock-yard, and has been informed that his request cannot be complied with.

I have also the honor to acknowledge the receipt of your letter of this day's [89] *date, stating that the vessel referred to is now on her way to the port of St. George's, where arrangements have been made with J. T. Fisher, esq., to supply her with coal.

I have, &c.,
(Signed) H. ST. GEORGE ORD.

[Inclosure 5 in No. 1.]

The Duke of Newcastle to Governor Ord.

DOWNING STREET, *November* 15, 1861.

SIR: Having had occasion to consult the law-officers of the Crown on the subject of remonstrances addressed to the governors of some of the colonies by consuls of the United States, in regard to certain particulars in the treatment of vessels bearing the flag of the States which have seceded from the Union, I think it right to communicate to you, for your information and guidance, the principles which ought to be observed in cases of the kind which raised the present question.

You will understand, therefore, that no foreign consul has any power or jurisdiction to seize any vessel, under whatever flag, within British territorial waters, and that the British authorities ought not to take any steps adverse to merchant-vessels of the Confederate States, or to interfere with their free resort to British ports.

With respect to supplies, even of articles clearly contraband of war, (such as arms or ammunition,) to the vessels of either party, the colonial authorities are not at liberty to interfere, unless anything should be done in violation of the foreign-enlistment act, 59 Geo. III, cap. 69, which prohibits the equipping, furnishing, fitting out, and arming of ships or vessels for the service of foreign belligerent powers, and also the supply of guns or equipments for war, so as to increase the warlike force of vessels of war, but which does not render illegal the mere supply of arms or ammunition, &c., to private ships or vessels.

If it should be necessary for the colonial authorities to act in any such case, it should only be done when the law is regularly put in force, and under the advice of the law-officers of the Crown.

With respect to the supplying, in British jurisdiction, of articles *ancipitis usus*, (such, for instance, as coal,) there is no ground for any interference whatever on the part of the colonial authorities.

I have, &c.,
(Signed) NEWCASTLE.

[Inclosure 6 in No. 1.]

The Duke of Newcastle to Governor Ord.

DOWNING STREET, *November* —, 1861.

SIR: I have the honor to acknowledge the receipt of your dispatch of th e 2d instant reporting your proceedings on the occasion of the visit to Bermuda of the Confederate States steam-vessel Nashville.

By the present mail I transmit to you a circular dispatch, which will furnish you with instructions for your guidance in the treatment of the vessels of war of either of the contending parties which may call at Bermuda.

The course pursued by you in the present instance was in strict accordance with the principles which you will find laid down in that circular dispatch.

I have further to state that both you and Captain Hutton showed a very proper discretion in declining to furnish supplies to a war-vessel of one of the belligerent parties from public stores belonging to the British government.

Her Majesty's government entirely approve of the whole of your proceedings on this occasion.

I have, &c.,
(Signed) NEWCASTLE.

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[90] *No. 2.

Mr. Hammond to Mr. Elliot.

FOREIGN OFFICE, *November* 30, 1861.

SIR: I have laid before Earl Russell your letter of the 29th instant, and I am to state to you in reply, for the information of the Duke of Newcastle, that his lordship entirely concurs in the answer which it is proposed to return to the dispatch from the governor of Bermuda reporting his proceedings on the occasion of the visit of the confederate steamer Nashville to that island.

I am, &c.,
(Signed) E. HAMMOND.

No. 3.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY,
November 21, 1861. (Received November 21.)

SIR: I am commanded by my lords commissioners of the admiralty to send to you herewith, for the information of Her Majesty's secretary of state for foreign affairs, copies of telegrams which have passed this morning between the admiralty and Captain Patey, the superintendent of packets at Southampton, relative to the steamer Nashville, belonging to the so-styled Confederate States of America. My lords desire to be informed what orders, if any, should be given.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 3.]

Telegrams which have passed between the admiralty and Captain Patey, November 21, 1861.

No. 1. From Captain Patey.—Confederate war-steamer Nashville, of two guns and eighty men, just arrived from Bermuda. She is commanded by Captain Peagram, and two days since captured and burned at sea a Havre United States packet-ship, and now has the crew on board, thirty in number.

No. 2. From Captain Patey.—Understand that captain of confederate vessel is very anxious respecting southern commissioners, and also whether there is any objection to his landing, and his vessel receiving supplies.

No. 3. From admiralty.—Are southern commissioners on board?

No. 4. From Captain Patey.—No.

No. 5. From Captain Patey.—Has on board Colonel Peyton, commissioner of North Carolina. Captain informs me southern commissioners are coming by next West India packet.

No. 4.

The law-officers of the Crown to Earl Russell.

DOCTORS' COMMONS,
November 22, 1861. (Received November 22.)

MY LORD: We were honored with your lordship's commands signified in Mr. Hammond's letter of the 21st instant, stating that he was directed by your lordship to transmit to us therewith the inclosed letter to the admiralty covering telegrams received from Southampton, by which it appeared that the confederate steamer Nashville had arrived at that port, having captured, two days before, and destroyed at sea, an American vessel bound to Havre, and having on board her at that time the crew of the said steamer; and to request that we would take the matter into our immediate consideration, and report to your lordship what instructions should be given to the naval or other authorities on the subject.

In obedience to your lordship's commands we have the honor to report—

That we infer from the expressions used by Captain Patey, R.
[91] N., "confederate *war-steamer Nashville, of two guns and eighty men, just arrived from Bermuda; she is commanded by Captain Peagram," that the Nashville is a regularly commissioned war-steamer,

in the service of the confederate government; and that Captain Peagram is a commissioned officer in their service. Unless, on further inquiry, this should not appear to be the case, we see no necessity for any instructions being given to the naval or other authorities on the subject. Her Majesty's government has recognized the Confederate States as a belligerent power, and the official letter to the admiralty and other departments reported on by the law-officers, June 1st, ultimo, only prohibits the ships of war of either belligerent from carrying prizes into British ports. If any attempt should be made, in contravention of the foreign enlistment act, to increase her warlike force within British jurisdiction, it should be prevented.

We have, &c.,
(Signed) J. D. HARDING.
WM. ATHERTON.
ROUNDELL PALMER.

No. 5.

Mr. Hammond to the secretary to the admiralty.[1]

FOREIGN OFFICE, *November* 22, 1861.

SIR: With reference to your letter of yesterday's date, reporting the arrival at Southampton of the steamer Nashville, in the service of the so-styled Confederate States of North America, I am directed by Earl Russell to request that you will move the lords commissioners of the admiralty to give directions that the Nashville shall not be allowed to equip herself more completely as a vessel of war, or to take in guns or munitions of war.

I have, &c.,
(Signed) E. HAMMOND.

No. 6.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY,
November 22, 1861. (Received November 23.)

SIR: With reference to my letter of the 21st instant, I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Captain Patey, dated the 21st instant, and of two telegrams received last night and this morning from that officer, giving further information respecting the confederate steamer Nashville.

I am, &c.,
(Signed) W. G. ROMAINE.

[1] A similar letter was addressed to the home office.

[Inclosure 1 in No. 6.]

Captain Patey to the secretary to the admiralty.

SOUTHAMPTON, *November* 21, 1861.

SIR: I have the honor to inform you, for the information of the lords commissioners of the admiralty, that the confederate-American steam (paddle) vessel Nashville, Lieutenant Peagram commanding, arrived at this port at 8.30 a. m. to-day.

2. This vessel is armed with two 6-pounder rifled guns, and has a crew of eighty men. She was purchased for the express purpose of bringing two southern commissioners to England, who did not, however, embark in her at Charleston, as originally intended, in consequence of the northern blockade of that port, and the fear that she drew too much water for readily crossing the bar with certainty.

3. The two commissioners subsequently, with their families, proceeded to the [92] *Havana by some other route; and I am informed by the commander of the Nashville that they will come England by the West India packet due here on the 28th instant.

4. Colonel Peyton, a commissioner of North Carolina, and his wife, are on board the Nashville, and intend proceeding immediately to London.

5. I beg further to report that the Nashville appears to have passed through, on the night of the 26th ultimo, the American Federal ships blockading Charleston, and proceeded to Bermuda, from whence she sailed on the 5th instant.

6. At 10 a. m., of the 19th instant, in latitude 49° 6′ north, and longitude 9° 59′ west, she fell in with the American sailing-ship Harvey Birch, of 1,500 tons, with a crew of twenty-nine officers and men, from Havre, in ballast, bound to New York. The master and crew of the Harvey Birch were ordered on board the Nashville, with what effects they could collect, and their ship was then set on fire, and at 1 p. m., the Harvey Birch being in a complete blaze, the Nashville left her.

7. Twenty-five of the crew of the Harvey Birch were placed in irons, the master and three officers being allowed their parole on pledging themselves not to create any revolt. The officers and crew of the Harvey Birch have now been liberated and landed at this port.

8. The Nashville came into the docks this morning, and, having encountered very heavy weather on her passage from Bermuda, it is the intention she should be placed in dry-dock, and undergo calking and other repairs.

I am, &c.,
(Signed) CHAS. E. PATEY.

[Inclosure 2 in No. 6.]

Telegrams addressed by Captain Patey to the secretary to the admiralty.

No. 1. November 21, 9.42 p. m., Southampton.—Head officer of customs is unable to afford the desired information, but captain informs me that he has a commission from the confederate government, and that the ship is a man-of-war.

No. 2. November 22, 11 a. m., Southampton.—Confederate-American is commissioned as a regular man-of-war. Captain in London. My secretary goes to town by next train with particulars.

No. 7.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, November 22, 1861. (Received November 23.)

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor to transmit to the Right Honorable Earl Russell, Her Majesty's principal secretary of state for foreign affairs, the accompanying papers received from Mr. Freeman H. Morse, consul of the United States at London, respecting the wanton capture and destruction by fire of an American merchant-vessel, the Harvey Birch, of New York, on the high seas, by order of the master of an armed

steamer called the Nashville, which has now sought for protection by putting into the port of Southampton, within the jurisdiction of Her Majesty's realm.

It would appear from the statements contained in these papers, if they be in accordance with facts, that the vessel which committed this aggression was not equipped under a commission as a ship of war, nor even with the pretense of a letter of marque, but that she was sent from Charleston, in South Carolina, by persons in armed resistance to the Government of the United States, to Great Britain on a special mission, and with the avowed design that she should be refitted in her ports and made a formidable vessel of war; and further, that the officers who came in her should be put in command of two other ships alleged to be now fitting out in the ports of Great Britain for a similar purpose, to wit, all to be used in carrying on a war against a friendly power, the United States.

The act of willfully burning a private merchant-ship while pursuing its way quietly to its destination in its own country, seems in
[93] itself little to harmonize with *the general sentiment among civilized and commercial nations, even when it is committed under the authority of a recognized belligerent; but when voluntarily undertaken by individuals not vested with the powers generally acknowledged to be necesary to justify aggressive warfare, it approximates too closely within the definition of piracy to receive the smallest countenance from any Christian people. The undersigned cannot permit himself to doubt that Her Majesty's government, which has voluntarily renounced the authority to wage private war at sea, would not fail to visit with its utmost indignation any attempt to seek shelter under its jurisdiction from the consequences of indulging a purely partisan malice in unauthorized acts of violence on the ocean.

The purpose of the undersigned in presenting these papers to the consideration of Lord Russell is to request that Her Majesty's government will cause an inquiry to be made into the circumstances attending this extraordinary proceeding, and will adopt such measures as the case, upon investigation, may seem to demand. This inquiry may be solicited to the ascertainment of two classes of facts. The first, as to the authority possessed by this vessel to commit so aggressive an act on the citizens of a friendly power and then to claim a refuge and recognition in the harbors of Great Britain. The second, in case the nature of that authority be deemed sufficient, at least in the view of Her Majesty's government, as to the purposes for which the ship is alleged to have come across the ocean, to wit, the making more effective preparations in the ports of Great Britain for carrying on a war against the people of a friendly nation. In the former case the question will arise whether the vessel be or be not subject to due process of law as a common disturber of the peace of the world. In the second, whether a recognized belligerent shall or shall not be permitted with impunity to violate the terms of Her Majesty's proclamation forbidding the fitting out within the ports of Great Britain of any armament intended to be used against a nation with which she is at peace.

The undersigned is compelled, with great reluctance, to call the attention of Lord Russell to the fact that, for a period of many months, large steamers have been built, equipped, and dispatched from Her Majesty's ports by persons ill-disposed to the Government of the United States, with the intent to supply those who are in arms to overthrow it with further materials to attain their object.

On the 15th of August last the undersigned had the honor to address a note to his lordship pointing out the case of the steamer Bermuda, laden with a great amount of contraband of war then about to depart from a port of Great Britain. That steamer is known subsequently to have made its way into the harbor of Savannah, in the State of Georgia, a port held by the insurgents against the Government of the United States. To that application the undersigned had the honor to receive for answer from his lordship that there was no evidence in the hands of Her Majesty's government sufficient to establish the intent of a wrongful voyage, and therefore that the parties who might afterward engage in it only deprived themselves of all protection from the consequences to them that might attend its ultimate prosecution.

Not insensible to the force of this reasoning upon a technical construction of the terms of Her Majesty's proclamation and of the statute to which it referred, the undersigned has desisted from making further representations in several subsequent cases of a similar kind which have heretofore come within his knowledge and are even now under his observation. Neither is it at all within his present purpose to enter into any complaint of Her Majesty's government for this course. Much regret as he entertains at the annoyance and consequent irritation naturally excited among the citizens of his country by the observation of what may be made to appear to be hostile acts, though undoubtedly not so intended, he is too well aware of the difficulties inherent in the operations of every free government not to be ready to make large allowance for the skill which evil-disposed persons may use to evade the provisions of the most stringent law. But the case now presented is one of a kind somewhat different from all the preceding ones. It seems to involve the necessity on the part of Her Majesty's government either of recognizing a belligerent or of denouncing a wrong-doer. And in the acceptance of the former alternative it presents to their notice a responsible party as the directing force to proceedings which can have no other assignable motive other than that of prosecuting, under the protection they afford, the hostilities already unequivocally commenced against the citizens of a power long in friendly relations with them. If it should be the result of the investigation solicited to prove any or all of these allegations, the undersigned has not the dis-
[94] position to entertain a single doubt of *the desire of Her Majesty's government to meet every expectation that can reasonably be formed of their ultimate determination.

In conclusion, the undersigned may be permitted to remark that the request he has made on behalf of his Government is no more than that Government has heretofore shown itself willing in similar cases to grant. When Her Majesty's minister at Washington called upon the authorities of the United States in the year 1855 to institute an investigation into certain proceedings in the equipment of the bark Maury in the harbor of New York, suspected to be intended as a privateer during the war that was then going on, they lost no time in instituting a thorough examination of the vessel and all the attendant circumstances, which ended in establishing to the satisfaction of all persons, including Her Majesty's officers, though not without great loss and damage to the innocent owners, that no such violation of the laws of neutrality had been intended.

Earnestly desirous of preserving intact the friendly relations which have continued to prevail for so long a time between the two countries, it is due to Her Majesty's government that the undersigned should apprise Lord Russell that the present application is necessarily made

without instructions from his Government, and therefore remains subject to their confirmation.

The undersigned, &c.,

(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 7]

Deposition.

I, William Henry Nelson, of the city of New York, in the United States of America, master mariner, do solemnly, sincerely, and truly swear that I sailed from the said city of New York on the 20th day of September last, as master of and in the ship Harvey Birch, of New York, a ship owned and registered in New York in conformity with the laws of the United States, bound for the port of Havre de Grace, in France, with a cargo consisting of wheat. About the 9th day of October I arrived at Havre, and having discharged the cargo of my ship and ballasted her, I sailed in her again for the port of New York on the 16th day of November, first having received the register, crew-list, articles, and all papers belonging to the ship, in proper form, from the United States consul there. On the morning of Tuesday, the 19th instant, the ship then being in about latitude 40° 6′ north, longitude 9° 52′ west, a steamer was made out bearing for the Harvey Birch, which, on getting nearer, was found to be an armed vessel and hoisted at the peak the flag of the so-called Confederate States, and when within hailing distance a person on board, who I learned was the captain, hailed my ship, saying, "Haul down your colors and heave the ship to," the ensign of the United States being at this time set at the peak of my vessel. This order was complied with, and I then received the order, "Lower your boat and come on board," which I also complied with, taking my ship's papers with me. After arriving on board the steamer, I was introduced by the first lieutenant, by name Fauntleroy, to Captain Peagram as commander of the Confederate States steamer Nashville, to whom I produced all the papers of my ship for examination to show that I was engaged in legal trade. Captain Peagram took the ship's papers; he did not return them, and still holds them, and then told me that he should hold me a prisoner of war by authority of the Confederate States. He then told me I might go on board my ship, and I was ordered to send my crew on board the steamer as quickly as possible. I returned to my ship and at once made preparations to leave her; but orders were repeatedly given from the steamer to hurry up, and sufficient time was not given to either myself or my crew to get our effects out of the ship. The second lieutenant, with other officers, came on board ship and took charge of her, and orders were given to seize fresh stores, &c., and in consequence thereof all the fresh meat, poultry, pigs, eggs, and butter were taken out and put on board the steamer; and especially it was ordered that all the oil, tea, coffee, and sugar should be put on board the steamer, which was done. When all this had been accomplished the crew left the ship by order of the second lieutenant, I being last on board, leaving the second lieutenant and his boat's crew in charge of the ship. After arriving on board the steamer we saw that the Harvey Birch was in flames, and the second lieutenant returned on board the steamer with his boat, which was secured, but the ship's quarter-boats, which had been used in communicating, were cast adrift. Captain Peagram now said, "Now,
[95] as it is all over, we will give her a gun," or words to that *effect, and a gun was discharged at the ship, but without apparently hitting her. The steamer then was put on an easterly course, the crew of the ship having previously been put in irons. I, with my officers, was summoned to the captain's cabin, and there signed, at the request of the captain, a document stating that we would not take up arms against them while in their custody, he having said that I and my officers should have our liberty on board when we had signed it. I was frequently told that an oath would be exacted of us "not to take up arms against the Confederate States" before I could be liberated; but I was liberated without any such being taken. The steamer steamed up the English Channel and arrived at Southampton at about 8 a. m. on the 21st instant, and came to anchor in the river. Captain Peagram then told me that I and my crew were at liberty and might go ashore; but he refused to put us ashore, and I therefore employed a steam-tug at my own expense, and landed my crew at Southampton docks between 9 and 10 a. m., and they were taken charge of by the United States consul there. Repeatedly while on board the steamer in conversation with her officers I was told that she was not fitted out as a vessel of war; that she was on a special mission to England, but naval officers were in command of her. I was told by one of the crew that the crew originally signed articles at Charleston, South Carolina, to go to Liverpool, but that before sailing the officers were all changed and new articles were brought on board, which the crew were compelled to sign by threats of force.

I was also informed that the crew was composed of English and Irish; and Colonel Peyton, a person who came from Charleston in her, informed me that her officers were coming here to alter the vessel and have her converted into a man-of-war, and to take command of two other vessels now fitting out in Great Britain as men-of-war. The chronometer and barometer belonging to the Harvey Birch were taken by Captain Peagram, who refuses to deliver them up. The Harvey Birch was a ship six years old and of 1,482 tons register. Before we lost sight of the ship her masts had gone over the side and her hull was burned to the water's edge.

(Signed) W. H. NELSON.

Sworn before me in the consulate of the United States at London, this 22d day of November, 1861.

(Signed) F. H. MORSE,
Consul of United States of America, London.

No. 8.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November* 23, 1861.

Lord Russell presents his compliments to Mr. Adams, and begs leave to acquaint him that his letter and the inclosure shall receive the immediate attention of Her Majesty's government.

Lord Russell has already given directions that no infringement of the foreign-enlistment act shall be permitted in regard to the Nashville.

No. 9.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *November* 23, 1861. (Received November 23.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Her Majesty's secretary of state for foreign affairs, a copy of a memorandum and of its inclosures received yesterday from the secretary of Captain Patey, giving further information relative to the Nashville steam-vessel, belonging to the so-called Confederate States of America.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 9.]

Memorandum by Mr. Messum, secretary to Captain Patey.

[Extract.]

Inclosed are—

1. A copy of the articles under which the crew of the Nashville have been entered.

[96] *2. A copy of the commission of Lieutenant Fauntleroy, appointing him to Confederate States navy.

3. A copy of the order under which Lieutenant Bennett is detached for duty on board Nashville.

[Inclosure 2 in No. 9.]

Copy of articles signed by the crew of the Confederate States vessel of war Nashville.

Signing articles for the navy of the Confederate States of America with Lieutenant Commander Robert B. Peagram, Confederate States navy.

We, the undersigned, do agree to ship in the navy of the Confederate States of America for one year, unless sooner discharged, in such capacity and for such pay as is below affixed to our respective names, subject to all the laws and regulations for the government of the said navy of the Confederate States of America.

Name.	Rate.	Pay per annum.	Advance received.	Witness.
James Evans	Pilot			
Thomas Jones	do			
Francis Sawyer	Mate			
Henry Ransom	Boatswain			
George P. Macindoe	Water-tender			
Henry Morris	do			
Nich. Cunningham	Fireman			
James Casey	do			
John Leary	do			
Henry Egan	do			
Michael Taney	do			
Thomas Carey	do			
Dennis Mitchell	do			
W. Jones	do			
Peter Coulen	Fireman's store-keeper			
Michael Barry	Coal-passer			
Thomas Burns	do			
Andrew Dougherty	do			
Paul Bogon	do			
J. A. McGrath	do			
Peter Morgan	do			
John Sullivan	do			
Patrick Dunn	do			
Thomas Dougherty	do			
Michael Barom	do			
George Hall	do			
A. G. Bird	Captain's mate			
Lewis R. Hill	Seaman			
J. H. Rider	do			
Claud Beil	do			
Charles Ballenger	do			
Peter Lawson	do			
George Sampson	do			
Charles Camps	do			
W. Leonard	do			
P. McCue	First-class boy			
Aug. Benford	do			
John Carroll	Second-class boy			
Andrew Doyle	Fireman's mess-boy			
W. Gorman	First steward			
M. Cavanagh	Second steward			
Mark Tynan	First cook			
F. Williams	Second cook			
J. P. Roberts	Third cook			
Martin Hanley	Pantry-man			
Thomas McEvoy	Baker			
James McManus	Officers' man			
John Dilmore	Waiter			
E. E. Hogan	do			
B. J. Sullivan	do			
C. McCartney	do			
T. Sullivan	do			

[97] *[Inclosure 3 in No. 9.]

Commission to Lieutenant Charles M. Fauntleroy, from the President of the Confederate States of America.

The president of the Confederate States of America, to all who shall see these present, greeting:

Know ye that, reposing special trust and confidence in the patriotism, valor, fidelity, and abilities of Charles M. Fauntleroy, I do appoint him a lieutenant in the navy of the Confederate States, to rank as such from the 10th of June, A. D. 1861.

He is, therefore, carefully and diligently to discharge the duty of lieutenant by doing and performing all manner of things thereunto belonging; and I do strictly charge all officers and others under his command to be obedient to his orders as lieutenant.

And he is to observe and follow such orders and directions as from time to time he shall receive from me or the future president of the Confederate States of America, or the superior officers set over him, according to the rank and discipline of war.

Given under my hand at the city of Richmond this 27th September, in the year of our Lord 1861.

(Signed) JEFFERSON DAVIS.

By the President:

(Signed) S. R. MALLORY,
Secretary of the Navy.

[Inclosure 4 in No. 9.]

Captain Buchanan to Lieutenant Bennett, C. S. N.

CONFEDERATE STATES OFFICE OF ORDERS AND DETAIL,
Navy Department, Richmond, September 19, 1861.

SIR: You are hereby detached from the Confederate States army, and you will proceed to Charleston, South Carolina, and report to Captain D. N. Ingraham, on the 23d, for duty.

I am, &c.,

(Signed) FRANK BUCHANAN,
Captain in charge.

By command of the secretary of the navy.

Report to Lieutenant-Commanding A. B. Peagram for duty on board the Nashville.

(Signed) D. N. INGRAHAM.

Similar orders issued to each of the officers appointed to the Nashville.

No. 10.

Messrs. Oliverson, Lavie, and Peachey to Earl Russell.

8 FREDERICK'S PLACE,
November 25, 1861. (Received November 25.)

MY LORD: We have the honor to apply to you on behalf of Captain Nelson, late commander of the American vessel Harvey Birch, and on behalf of her owners, on the subject of their claim against the captain of the Nashville, the American vessel now in the Southampton docks, who recently destroyed the Harvey Birch under circumstances which will be known to your lordship.

The Nashville has now on board her certain property belonging to the owners of the destroyed vessel, and, acting under counsel's advice, an application has been this morning made to the magistrates at Southampton to issue a summons or warrant for service upon Captain Peagram, of the Nashville, calling upon him, by production of the authority

upon which he acts, or otherwise, to show cause why he should not deliver up to Captain Nelson the property belonging to his owners which he withholds.

The magistrates at Southampton are desirous of having the authority of your lordship before they issue the summons or warrant applied
[98] for, and we beg, therefore, to request your lordship to be pleased at once to give the necessary directions for the purpose.

We have, &c.,

(Signed) OLIVERSON, LAVIE, AND PEACHEY.

No. 11.

Mr. Clive to Mr. Hammond.

WHITEHALL, *November* 25, 1861. (Received November 25.)

SIR: I have laid before Secretary Sir George Grey your letter of the 22d instant relative to the steamer Nashville, in the service of the so-styled Confederate States of North America, which has arrived in the port of Southampton; and I am to transmit to you, for the information of Earl Russell, copies of the letters which have been addressed to the commissioners of customs and the mayor of Southampton on the subject.

I am, &c.,

(Signed) G. CLIVE.

[Inclosure 1 in No. 11.]

Mr. Clive to the commissioners of customs.

WHITEHALL, *November* 23, 1861.

GENTLEMEN: It having been stated that the steamer Nashville, in the service of the so-styled Confederate States of North America, which has arrived at Southampton, has come there for the purpose of being more completely equipped as a vessel of war, I am directed by Secretary Sir G. Grey to call your attention to the statement, in order that if an attempt should be made so to equip the Nashville, or to take in guns or munitions of war, you may proceed as required by the act 59 Geo. III, cap. 69, and Her Majesty's proclamation of the 13th May, 1861.

I am, &c.,

(Signed) G. CLIVE.

[Inclosure 2 in No. 11.]

Mr. Clive to the mayor of Southampton.

WHITEHALL, *November* 23, 1861.

SIR: The attention of Her Majesty's government having been called to a statement in the daily papers that the steamer Nashville, in the service of the so-styled Confederate States of North America, has put into the port of Southampton for the purpose of being fitted as a vessel of war, I am directed by Secretary Sir George Grey to refer you to the foreign-enlistment act, 59 Geo. III, cap. 69, and to Her Majesty's proclamation of the 13th May, 1861, and to request that you will immediately report to him any facts which may tend to show for what purpose the Nashville has put into the port of Southampton.

I am, &c.,

(Signed) G. CLIVE.

No. 12.

The law-officers of the Crown to Earl Russell.

[Urgent and immediate.]

DOCTORS' COMMONS,
November 25, 1861. (Received November 25.)

MY LORD: We are honored with your lordship's commands, signified in Mr. Layard's letter of the 23d November instant, stating that with reference to our report of the 22d November instant, upon the case of the Nashville, he was directed to transmit to us the following papers, viz:

First. The draught of a letter which was addressed on the 22d of November instant to the admiralty and home office, requesting that directions might be given that the Nashville should not be allowed to equip herself more completely as a vessel of war, or take in guns or munitions of war;

[99] *Secondly. A note from Mr. Adams, the United States minister at this court, inclosing papers received from the United States consul in London, respecting the destruction by the Nashville of the American vessel Harvey Birch, and requesting that Her Majesty's government will cause an inquiry to be made into the circumstances attending that proceeding, and will adopt such measures as the case, upon investigation, may seem to demand;

Thirdly. The draught of the note in which your lordship has acknowledged the receipt of that communication; and

Fourthly. Letters received from the admiralty, giving particulars respecting the Nashville and her officers and crew.

Mr. Layard was also pleased to state to us, with reference to the observation in the concluding portion of Mr. Adams's note, that your lordship has given directions for the preparation of a memorandum respecting the case of the bark Maury, referred to by him; and that your lordship directed Mr. Layard to call our attention to the proceedings as to privateers, which occurred in the United States in 1793–'94; and to request that we would take Mr. Adams's note into consideration, and furnish your lordship with our opinion as to any proceedings which it is incumbent upon Her Majesty's government to take in compliance therewith, and generally with our advice as to the course to be pursued by Her Majesty's government in this matter.

Mr. Layard was also pleased to inclose the correspondence respecting the case of the Bermuda, referred to by Mr. Adams.

In obedience to your lordship's commands, we have taken this matter into our consideration, and have the honor to report—

That, subject to any questions of imperial policy which are beyond our province, we are unable to point out any steps which it is incumbent on Her Majesty's government to take, in compliance with Mr. Adams's letter, other than those which it has already taken, namely, to satisfy itself as to the character of the Nashville and of her officers and crew; and to give directions to prevent her from being fitted or equipped, or from augmenting or increasing her force within Her Majesty's jurisdiction, in contravention of the foreign-enlistment act.

The Nashville appears to be a confederate vessel of war; her commander and officers have commissions in the confederate navy; some of them have written orders from the navy department, Richmond, to report to Lieutenant Peagram "for duty" on board the Nashville, and

her crew have signed articles to ship in "the confederate navy." Her having captured and burned a United States merchant-vessel on the high seas cannot, under these circumstances, be considered (to adopt Mr. Adams's words) as "voluntarily undertaken by individuals not vested with powers generally acknowledged to be necessary to justify aggressive warfare;" nor does it at all approximate within the definition of piracy; nor is it an unauthorized act of violence; and if (as Mr. Adams suggests) Her Majesty's government is called on in this case, "either to recognize a belligerent or to denounce a wrong-doer," Her Majesty's government must, upon the facts and documents now appearing, adopt the former course.

With reference to the allegation that some of her officers are to be put in command of vessels now fitting out in British ports, for hostile purposes against the United States, we can only say that if reasonable evidence can be procured that such vessels are being so fitted out, in contravention of the foreign-enlistment act, all parties concerned therein should be legally proceeded against, with the view to their being personally punished, and to the forfeiture of the vessels.

We may add (generally) that it will be competent to Her Majesty, as a neutral power, either to designate the particular ports to which alone the national ships of the belligerents are permitted to resort; to limit the time for which or to define the circumstances under which they may so resort thereto, or to make and publish such general regulations with reference thereto as she may think proper; but, subject to such limitations, Her Majesty cannot interfere with the national ships of one party resorting to her ports in respect of hostile acts done on the high seas to the ships of the opposite party.

(Signed) J. D. HARDING.
WM. ATHERTON.
ROUNDELL PALMER.

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[100] *No. 13.

The law-officers of the Crown to Earl Russell.

[Pressing.]

DOCTORS' COMMONS,
November 26, 1861. (Received November 26.)

MY LORD: We are honored with your lordship's commands signified in Mr. Layard's letter of the 25th November instant, stating that he was directed to transmit to us a letter from Messrs. Oliverson, Lavie, and Peachey, acting on behalf of Captain Nelson, the commander of the American vessel Harvey Birch, requesting that the magistrates at Southampton may be authorized by Her Majesty's government to issue a warrant or summons for service upon Captain Peagram, commanding the ship of war Nashville, under the flag of the so-called Confederate States, calling upon him, by production of the authority under which he acts, to show cause why he should not deliver up to Captain Nelson the property belonging to his owners, which is alleged to be detained on board the Nashville; and to request that we would furnish your lordship with our opinion upon the answer which it may be proper to return to Messrs. Oliverson & Co.

In obedience to your lordship's commands, we have taken this subject into consideration, and have the honor to report—

That we observe that this application comes from the attorneys of the party proceeding, (Captain Nelson,) who do not state that the magistrates have directed them to address your lordship.

Messrs. Oliverson may be informed that your lordship has no jurisdiction or power to give any authority to the magistrates either to issue any summons or warrant, or to do, or abstain from doing, anything in relation to the matter in question; and that your lordship accordingly declines to interfere therein.

The law having been appealed to, it must take its course in the ordinary way; though (for your lordship's guidance) it may be proper for us to add that, by law, no English magistrate has jurisdiction over the commander or crew of the Nashville in respect to acts done, or property taken, by her at sea, as a ship of war of a belligerent power, acknowledged as such by Her Majesty; which character, from her papers, (which have been produced,) the Nashville appears undoubtedly to possess.

We have, &c.,
(Signed) J. D. HARDING.
WM. ATHERTON.
ROUNDELL PALMER.

No. 14.

Mr. Layard to Messrs. Oliverson, Lavie, and Peachey.

FOREIGN OFFICE, *November* 27, 1861.

GENTLEMEN: I am directed by Earl Russell to acknowledge the receipt of your letter of the 25th instant, in which, as attorneys for Captain Nelson, the commander of the American vessel Harvey Birch, you request that his lordship will authorize the magistrates at Southampton to issue a warrant or summons for service upon Captain Peagram, commanding the ship of war Nashville, under the flag of the so-styled Confederate States, calling upon him, by production of the authority under which he acts, to show cause why he should not deliver up to Captain Nelson the property belonging to his owners, which is alleged to be detained on board the Nashville.

Lord Russell directs me to inform you, in reply, that he has no jurisdiction or power to give authority to the magistrates either to issue any summons or warrant, or to do, or abstain from doing, anything in relation to the matter in question, and that his lordship must accordingly decline to interfere therein.

I am, &c.,
(Signed) A. H. LAYARD.

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[101] *No. 15.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November* 28, 1861.

The undersigned, Her Majesty's principal secretary of state for foreign affairs, has the honor to inform Mr. Adams, envoy extraordinary and minister plenipotentiary of the United States at this court, that his note

of the 22d instant has been the subject of careful and anxious consideration by Her Majesty's government.

Mr. Adams, after reciting the capture and destruction by fire of the United States merchant-ship on the high seas, by order of the commander of the armed steamer called the Nashville, and the subsequent arrival of the Nashville in the port of Southampton, asks for an inquiry into two classes of facts—the first, "as to the authority possessed by this vessel to commit so aggressive an act on the citizens of a friendly power, and then to claim a refuge in the harbors of Great Britain;" the second, "in case the nature of that authority be deemed sufficient, at least in the view of Her Majesty's government, as to the purposes for which the ship is alleged to have come across the ocean, to wit, the making more effective preparations in the ports of Great Britain for carrying on war against the people of a friendly nation."

Her Majesty's government have directed their inquiries to both these points, and also to the state of the law as applicable to the facts thus by them ascertained.

With regard to the first point, the undersigned has to state that the Nashville appears to be a confederate vessel of war; her commander and officers have commissions in the so-styled confederate navy; some of them have written orders, from the navy department at Richmond, to report to Lieutenant Peagram "for duty" on board the Nashville; and her crew have signed articles to ship in the confederate navy.

In these circumstances the act done by the Nashville, of capturing and burning on the high seas a merchant-vessel of the United States, cannot be considered as an act "voluntarily undertaken by individuals not vested with powers generally acknowledged to be necessary to justify aggressive warfare," nor does it at all "approximate within the definition of piracy."

Such being the answer of Her Majesty's government on the first point raised by Mr. Adams, the undersigned passes to the second.

The undersigned stated to Mr. Adams, in his informal note of the 23d instant, that he had already given directions that no infringement of the foreign enlistment act should be permitted in regard to the Nashville. In fact, directions had already been given to prevent the Nashville from augmenting her warlike force within Her Majesty's jurisdiction in contravention of the foreign enlistment act.

With respect to the allegation made by Mr. Adams, that some of the officers of the Nashville are to be put in command of vessels now fitting out in British ports for purposes hostile to the Government of the United States, the undersigned can only say that, if reasonable evidence can be procured to that effect, all parties concerned, who shall be acting in contravention of the foreign enlistment act, shall be legally proceeded against, with a view to the punishment of the persons and to the forfeiture of the vessels.

Having thus answered Mr. Adams upon the two points to which his attention was called, the undersigned has only further to say that if, in order to maintain inviolate the neutral character which Her Majesty has assumed, Her Majesty's government should find it necessary to adopt further measures, within the limits of public law, Her Majesty will be advised to adopt such measures.

It is the earnest desire of Her Majesty to preserve intact the friendly relations between Her Majesty and the United States of America.

The undersigned, &c.,

(Signed) RUSSELL.

[102] *No. 16.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, December 2, 1861. (Received December 3.)

The undersigned, envoy extraordinary and minister plenipotentiary of the United States, has the honor to acknowledge the receipt of a note from the right honorable Earl Russell, Her Majesty's principal secretary of state for foreign affairs, dated on the 28th of November, and in answer to the note of the undersigned soliciting an investigation into the case of the armed steamer, the Nashville.

While the undersigned regrets that Her Majesty's government has determined to give what he cannot but think a liberal construction to the evidence furnished of the character of the voyage of the Nashville, it is yet a source of great satisfaction to him to learn the intention expressed by the government to apply all its power to the prevention of measures taken within this kingdom by ill-disposed persons to fit out enterprises of a hostile character to the United States. The undersigned entertains no doubt that this information, which has been already transmitted by him to his Government, will be received with much pleasure.

The undersigned, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 17.

Mr. Waddington to Mr. Hammond.

WHITEHALL,
December 6, 1861. (Received December 7.)

SIR: With reference to Mr. Clive's letter of the 25th ultimo, I am directed by Secretary Sir George Grey to transmit to you, for the information of Earl Russell, the inclosed copy of a letter from the commissioners of customs, reporting the steps which they have taken in the case of the steamer Nashville.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure in No. 17.]

Mr. Gardner to Mr. Waddington.

CUSTOM-HOUSE, *London, December* 5, 1861.

SIR: I am directed by the commissioners of Her Majesty's customs to acknowledge the receipt of your letter of the 4th instant, signifying the request of Secretary Sir G. Grey to be informed what steps they took in regard to the steamer Nashville, and whether anything has come to their knowledge since the date of Mr. Clive's letter of the 23d ultimo to justify interference on their part; and I am to acquaint you that, on receipt of Mr. Clive's letter, the board transmitted to the collector at Southampton a copy of the letter, and, with reference to the act 59 Geo. III, cap. 69, and Her Majesty's order in council, of the 13th May last, directed him forthwith to report any alterations or fittings of a hostile nature which might take place on board. And the board have this day been informed by their collector "that the Nashville has just now been placed in dry-dock, not repaired at present beyond calking aloft. This afternoon will decide what future repairs she requires."

The collector proposes to report further particulars, and upon receipt thereof the board will acquaint you therewith.

I have, &c.,
(Signed) F. G. GARDNER.

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[103] *No. 18.

Mr. Waddington to Mr. Hammond.

WHITEHALL,
December 7, 1861. (Received December 7.)

SIR: With reference to your letter of the 22d ultimo, respecting the steamer Nashville, I am directed by Secretary Sir George Grey to transmit to you, to be laid before the Earl Russell, the inclosed copy of a further letter from the commissioners of customs, reporting on the alterations proposed to be made in that vessel.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure in No. 18.]

Mr. Gardner to Mr. Waddington.

CUSTOM-HOUSE, *December* 6, 1861.

SIR: I am directed to acquaint you, for the information of Secretary Sir G. Grey, with reference to my letter of yesterday's date, that the officers of this revenue at Southampton have reported to the board that the steamship Nashville has not undergone any further repairs than calking aloft.

The vessel was yesterday taken into dry-dock, in order to ascertain the amount of damage sustained by her keel in coming out of Charleston harbor, and the officers have been informed by the ship-builder who has undertaken to perform whatever repairs may be necessary, and who they state may be fully relied on, that beyond restoring the keel and replacing the paddles which are off the wheels, and also placing some beams athwart to strengthen her, no alterations or fittings are likely to take place.

I am, &c.,
(Signed) F. G. GARDNER.

No. 19.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *December* 8, 1861.

Earl Russell presents his compliments to Mr. Adams, and has the honor to send him copies of letters received from the home department, in reference to the Nashville.[1]

No. 20.

Mr. Waddington to Mr. Hammond.

WHITEHALL,
December 16, 1861. (Received December 17.)

SIR: With reference to the previous correspondence upon the same subject, I am directed by Secretary Sir George Grey to transmit to you

[1] Inclosures in Nos. 17 and 18.

a copy of a letter from the town-clerk of Southampton, reporting that the Nashville is now lying in the graving-dock at that port, and that certain repairs are now being made to her; and I am to request that you will lay the same before Earl Russell.

I am, &c.,
(Signed) H. WADDINGTON.

104] [*Inclosure in No. 20.]

Mr. Deacon to Sir George Grey.

TOWN-CLERK'S OFFICE,
Southampton, December 13, 1861.

SIR: With reference to my letter to you of the 27th ultimo, relative to the steamship Nashville, I am directed by the worshipful the mayor of this borough, to inform you that the Nashville is now lying in the graving-dock of this port, and that certain repairs are now being made to her.

I am, &c.,
(Signed) CHARLES E. DEACON,
Town-Clerk.

No. 21.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *December* 19, 1861.

SIR: I am directed by Earl Russell to transmit to you a copy of a letter from the home office,[1] inclosing a copy of a letter from the town-clerk of Southampton, reporting that the confederate steamer Nashville is undergoing certain repairs at that port; and I am to request that in laying the same before the lords commissioners of the admiralty you will state to their lordships that Lord Russell would consider it satisfactory if the naval officer at Southampton were instructed to visit that vessel and to report what is taking place on board her.

I am, &c.,
(Signed) E. HAMMOND.

No. 22.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY,
December 24, 1861. (Received December 26.)

SIR: With reference to your letter of the 19th instant, I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of the secretary of state for foreign affairs, a copy of a letter from Captain Patey, captain-superintendent of packets at Southampton, dated the 23d instant, reporting that only the necessary repairs have been executed on board the so-styled Confederate States steamer Nashville, now in dock at Southampton, and stating that no steps whatever have been taken to fit her more completely as a vessel of war since her arrival at that port.

I am, &c.,
(Signed) W. G. ROMAINE.

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[1] No. 20 and inclosure.

[Inclosure in No. 22.]

Captain Patey to the secretary to the admiralty.

SOUTHAMPTON, *December* 23, 1861.

SIR: In answer to your letter of the 21st instant, directing me to visit the confederate steamer Nashville, and report what is taking place on board that vessel, I have the honor to acquaint you, for the information of the lords commissioners of the admiralty, that I have this day visited the ship in question, which is in dry-dock; though I have personally and daily heretofore taken notice of what has passed in regard to the Nashville, and am therefore in a position to report that no repairs have taken place but what was found absolutely necessary for making good a few trifling defects she sustained in her passage to this country, such as replacing boarding, gratings, and water-closets, washed away in a heavy sea from the port sponson and paddle-box. A few sheets of cop-
[105] per have also been replaced, *to make good rubs which the ship's bottom met with by touching the ground in crossing the bar at Charleston; some calking has likewise been done in parts that were found to be leaky, consequent upon the heavy weather which the ship encountered in crossing the Atlantic.

I beg to add that the Nashville has not in any way equipped herself more completely as a vessel of war since her arrival at Southampton. She is at present detained in dry-dock in consequence of another ship being in the same dock with the planking off her bottom.

I deem it right to state that Captain Peagram of the Nashville has, from the first, most willingly evinced a disposition that not anything should be undertaken without first acquainting me.

I am, &c.,
(Signed) C. G. PATEY,
Captain Superintendent Packet Service.

No. 23.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *December* 27, 1861.

Lord Russell presents his compliments to Mr. Adams, and has the honor to transmit to him herewith a copy of a letter addressed by the superintendent of packets at Southampton to the secretary of the admiralty[1] respecting the nature of the repairs which have been executed in that port on board the steamer Nashville.

Lord Russell requests, &c.

No. 24.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, December 28, 1861. (Received December 31.)

Mr. Adams, the minister of the United States, presents his compliments to Lord Russell, and has the honor to acknowledge the reception, on two several occasions, of copies of letters addressed by the superintendent of packets to the admiralty respecting the nature of the repairs which have been executed in the port of Southampton on board the steamer Nashville. It is a source of gratification to him to observe the continued supervision exercised by Her Majesty's government over the outfit of that vessel.

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[1] Inclosure in No. 22.

Mr. Adams seizes the opportunity thus afforded him to submit to the consideration of Lord Russell a copy of another deposition taken before Mr. Freeman H. Morse, the consul of the United States in London, of one of the crew of the Nashville on her late voyage. If the statement therein made be in accordance with fact, then it would appear that the representation given by the master of that vessel to the governor of Bermuda of the character of his voyage, upon which alone he succeeded in obtaining from him supplies of coal, is in conflict with the construction given to it by Her Majesty's government on the vessel's arrival here, and much more nearly approximates the view of the case first taken by Mr. Adams. The verification of this fact, or otherwise, is fortunately in the power of Her Majesty's government by reference to the governor of Bermuda. Although, if found to be true, it might arrive too late to be of service in the present instance, Mr. Adams ventures to indulge the hope that this example may serve as an inducement to the application of a more favorable rule hereafter for the prevention of abuses under the shelter of so-called belligerent rights.

Mr. Adams begs, &c.

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[106] *[Inclosure in No. 24.]

Deposition of Frederick Williams.

I, Frederick Williams, of Boston, in the State of Massachusetts, United States of America, ship's cook and steward, do solemnly swear that I sailed from the port of New York in the month of November, 1860, in the ship Mackinaw, of Charleston, South Carolina, Captain William Hammer, bound to Liverpool; arrived at Liverpool about 24th of December, and remained there until the latter end of February or the commencement of March, when I again sailed in the ship for Charleston, with a cargo of coal, and arrived at Charleston about the 8th or 9th of April, a few days before Fort Sumter was bombarded. I was then discharged, and remained in Charleston until the 25th of September, on which day I shipped at Black's shipping-office as second cook of the steamer Nashville, of Charleston, for a voyage to England and one or two other foreign ports, and back to Charleston, and on the same day I went on board the vessel, which was then lying alongside the New York steamboat dock, where she usually lay. Captain Murray, her usual captain, still had charge of her; nearly all the crew were then on board, being at work cleaning the vessel and putting her in order, as she had been laid up five or six months. About a week or ten days after I had joined, fourteen or fifteen naval officers came on board with their baggage. I was told they were going as passengers to England to take command, when they arrived, of vessels of war that were fitting out in England for the Confederate States. After this time I (having first got my clothes on board) was not allowed to communicate with the shore, nor were any of the crew permitted to do so. I asked Captain Murray to let me go ashore. He replied that he had nothing more to say on board the vessel now than I had, and told me to go to one of the naval officers. Between their coming on board and the vessel's sailing about three weeks elapsed, and in this time two rifled cannon were brought on board and placed forward. Messrs. Slidell and Mason and their families and baggage came on board, and I understood that they were going as passengers, but they afterward left the vessel. During all this time a small steamer went out of the harbor daily to determine the exact position of the United States blockading squadron, and this information was communicated to the officers. One night in the latter end of October steam was got up, and the Nashville steamed out of port, great precautions being used to avoid the blockading vessels. Three and a half days afterward we arrived at Bermuda and came to anchor, the vessel flying at the peak the Confederate States flag and a pennant at the main. The governor of Bermuda came on board the ship and saw Captain Peagram and his officers, and I heard Captain Peagram tell the governor, as they walked along the deck with the first lieutenant, "You must understand, governor, that this is not a navy vessel; if she were, we should have arms and regulations accordingly. She is strictly a merchant-vessel." The governor had previously intimated that if she were not strictly a merchantman she would not be permitted to coal. The ship was in want of coal, as she had come out of Charleston light to enable her to get more readily over the bar. Upon this guarantee of Captain Peagram—that she was a merchant-ship—the Nashville was allowed to coal, and about

400 or 500 tons were taken on board. Not being permitted to go ashore, I wrote a letter of complaint to the American consul, and sent it ashore by a laborer. I received no reply, but on the following day the first lieutenant appeared to have heard of it, and called me. He said to me, "You scoundrel, you have been communicating with the enemy. You have forfeited your life and will be hanged at the yard-arm." I was then put in irons and placed in the hold among the coal, and I remained in irons three days, when I was liberated. We were out of sight of land. I was then sent forward until about the 15th of November, when I was again sent to the galley. On the morning of the 19th of November we fell in with an American ship, which was found to be the Harvey Birch, of New York, Nelson, master, from Havre to New York, in ballast. The gangways in the way of guns were removed, muskets were served out, and the officers buckled on their swords, and the flag of the so-called Confederate States was set. The Nashville then ran alongside the Harvey Birch, ordered her to heave to, ordered the captain on board, and ultimately took the whole crew out of her, and after the second lieutenant's boat left I saw that the ship was on fire. The crew of the Harvey Birch, excepting the officers, were put in irons and kept in irons until they arrived at Southampton, where they were liberated and allowed to go ashore.

[107] But I was not permitted to leave the vessel, *and finding that I had been deceived, I deserted from her. In Charleston, after the officers came on board, the purser produced new shipping-articles, which the crew were compelled to sign, as they knew they would be in danger if they did not. The baggage of Slidell and Mason was taken out of the Nashville directly before the steamer Theodore left Charleston, which vessel left twelve or fourteen days before the Nashville, and it was known in Charleston before the Nashville sailed that the Theodore had arrived safely at Havana with Slidell and Mason on board.

(Signed) FREDERICK WILLIAMS.

Sworn before me, in the consulate of the United States at London, this 19th day of December, 1861.

(Signed) F. H. MORSE,
Consul.

No. 25.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 1, 1862.

Lord Russell presents his compliments to Mr. Adams, and has the honor to inform him, in reply to his note of the 28th ultimo, that he will immediately communicate with the Duke of Newcastle, with the view of obtaining from the governor of Bermuda a correct account of the representation made to him by the commander of the Nashville.

No. 26.

Mr. Hammond to Sir F. Rogers.

FOREIGN OFFICE, *January* 1, 1862.

SIR: I am directed by Earl Russell to transmit to you, to be laid before the Duke of Newcastle, the accompanying copy of a note from the United States minister at this court,[1] inclosing a deposition which has been made by a seaman of the Nashville, from which it would appear that Commander Peagram represented to the governor of Bermuda that the Nashville was strictly a merchant-vessel and not a ship of war; and I am to request that you will move his grace to cause inquiry to be made of the governor as to the truth of this statement.

I am, &c.,
(Signed) E. HAMMOND.

[1] No. 24 and inclosure.

No. 27.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 10, 1862. (Received January 11.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Her Majesty's secretary of state for foreign affairs, a copy of a telegram received this day from Captain Patey relative to certain proceedings of officers and men belonging to the United States ship-of-war Tuscarora with regard to the Nashville, a vessel of war belonging to the so-styled Confederate States, at Southampton.

I am, &c.,
(Signed) C. PAGET.

[Inclosure in No. 27.]

Captain Patey to the secretary to the admiralty.

[Telegraphic.]

SOUTHAMPTON, *January* 10, 1862.

Last night at 8 dock-master reported having discovered in the dock two officers and three men from Tuscarora, who stated they were on shore under orders watching Nashville, and to signal should she get under way. Dock-master removed them from the dock.

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[108] *No. 28.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *January* 10, 1862.

SIR: I am directed by Earl Russell to request that you will acquaint the lords commissioners of the admiralty, with reference to your letter of this day, inclosing a telegram from Southampton respecting the United States steamer Tuscarora at that port, that his lordship is of opinion that orders should immediately be given for placing a ship of war of superior force as near Southampton as the circumstances of the case may appear to require, in order to prevent any hostilities taking place within British waters between the Federal and confederate steamers now lying at or near Southampton, and with instructions, in the event of either of those steamers proceeding to sea, not to allow the other to start in pursuit of her until the expiration of twenty-four hours.

I am, &c.,
(Signed) E. HAMMOND.

No. 29.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 10, 1862.

SIR: I have just been informed that armed men were found last night watching the Nashville in Southampton docks, and that they were dis-

covered by Mr. Hodge, the dock superintendent, close at the Nashville's bows.

I think it necessary to state to you that, except in case of stress of weather forcing them to land, Her Majesty's government cannot permit armed men in the service of a foreign government to land upon British ground.

I therefore request that you will inform the captain of the Federal steamer in Southampton waters that he must refrain from acts of this kind, which may lead to a collision between his men and the British authorities.

I have also to inform you that no act of hostility can be permitted between the federal steamer and its enemy within British waters, and that orders to that effect will be issued to the board of admiralty.

In the case of the Nashville leaving British waters, the Federal steamer-of-war will not be permitted to start from British waters in pursuit of her till after the expiration of twenty-four hours.

The same rule will be applied to the vessels of the so-called Confederate States.

I am, &c.,
(Signed) RUSSELL.

No. 30.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 11, 1862. (Received January 11.)

SIR: With reference to your letter of the 10th instant, requesting that measures may be taken to prevent any hostilities taking place within British waters between the Federal and so-styled confederate steamers now lying in Southampton water, I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter of yesterday's date, addressed by Captain Willcox, of Her Majesty's ship Dauntless, to Captain Craven, commanding the Federal steamer Tuscarora, on this subject.

I am, &c.,
(Signed) W. G. ROMAINE.

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[109] * [Inclosure in No. 30.]

Captain Willcox to Captain Craven, U. S. N.

DAUNTLESS, *Southampton, January* 10, 1862.

SIR: Having observed preparations for departure in the United States steamer Tuscarora, under your command, and also in the Confederate States steamer Nashville, I beg to acquaint you that I have received instructions to prevent any hostility taking place in British waters; and I beg to bring to your notice the usual law of nations, which requires that twenty-four hours should elapse before the departure of one belligerent ship in pursuit of the other.

Relying upon your good judgment in this matter, and the friendly feeling existing between the two governments, I have, &c.,
(Signed) JAMES WILLCOX.

No. 31.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 11, 1862. (Received January 11.)

SIR: I am commanded by my lords commissioners to the admiralty to send herewith, for the information of Earl Russell, copy of a telegram which has been received from Captain Patey, at Southampton, stating that the two American vessels Nashville and Tuscarora would not proceed to sea within twenty-four hours after the departure of either.

I am, &c.,
(Signed) C. PAGET.

[Inclosure in No. 31.]

Captain Patey to the secretary to the admiralty.

[Telegraphic.]

SOUTHAMPTON, *January* 11, 1862.

Have seen captains of both American vessels. Have received written promises one will not follow the other to sea within twenty-four hours. Both observe strict neutrality.

No. 32.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 13, 1862. (Received January 13.)

SIR: With reference to my letter of the 11th instant, I am commanded by my lords commissioners of the admiralty to transmit herewith, for the information of Earl Russell, a copy of a letter dated 11th instant, from Captain Willcox, of the Dauntless, and of its inclosure from Commander Craven, of the United States ship of war Tuscarora, as to the proceedings of that ship at Southampton.

I am, &c.,
(Signed) W. G. ROMAINE.

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[110] * [Inclosure 1 in No. 32.]

Captain Willcox to the secretary to the admiralty.

DAUNTLESS, *Southampton, January* 11, 1862.

MY LORD: With reference to a communication that I have this day forwarded to the commodore comptroller-general, I have the honor to inclose you, for the information of their lordships, a copy of a reply I have received from the commander of the United States ship Tuscarora.

I forward this to your lordship direct to save time, having also written to the commodore.

I am, &c.,
(Signed) JAMES WILLCOX.

[Inclosure 2 in No. 32.]

Commander Craven, U. S. N., to Captain Willcox.

TUSCARORA, *Southampton, January* 10, 1862.

SIR: I have the honor to acknowledge the receipt of your communication this evening.

I am not aware that I have given cause for your assuming that I meditate an act of hostility in the waters of Great Britain.

Claiming the right of free access to, and egress from, the waters of a nation believed to be in amity with the United States, and sincerely desirous of avoiding all semblance of offense, I am, &c.,

(Signed) J. AUGS. CRAVEN.

No. 33.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 13, 1862. (Received January 13.)

SIR: I am commanded by my lords commissioners of the admiralty to request you will state to Earl Russell that telegrams have been received from Captain Patey, at Southampton, reporting that the United States vessel of war Tuscarora left that port this mornng, and has anchored one mile to the westward of Calshot light-ship.

I am, &c.,

(Signed) W. G. ROMAINE.

No. 34.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 13, 1862. (Received January 13.)

SIR: I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that Captain Patey reports by telegram that the American vessel Tuscarora has returned to her original anchorage at the entrance of the Itchen Channel.

I am, &c.,

(Signed) W. G. ROMAINE.

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[111] *No. 35.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 13, 1862. (Received January 13.)

SIR: I am commanded by my lords commissioners of the admiralty to transmit herewith, for the information of Earl Russell, a copy of a letter dated the 11th instant, from Captain Patey, senior officer of Her Majesty's ships at Southampton, together with copies of the correspondence which has passed between that officer and the commanders of the Tuscarora and Nashville, respecting the detention of one vessel until the expiration of twenty-four hours after the other's departure.

I am, &c.,

(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 35.]

Captain Patey to the secretary to the admiralty.

SOUTHAMPTON, *January* 11, 1862.

MY LORD: Referring to your telegram delivered to me at 2.15 a. m. of this date, directing me to give notice to both Americans that I had received orders detaining one vessel until the other has had twenty-four hours' start, I have the honor to furnish herewith, for the information of the lords commissioners of the admiralty, copies of correspondence which have taken place between myself and the commanders of the Tuscarora and Nashville, respectively, on the subject in question; inclosure 2 being a copy of my letter to the captain of the Tuscarora, and inclosure 3 copy of his reply, in which their lordships will observe the Nashville is designated a pirate; inclosure 4 is a copy of my letter to the commander of the Nashville, and inclosure 5 a copy of his answer thereto.

I am, &c.,
(Signed) C. G. E. PATEY.

[Inclosure 2 in No. 35.]

Captain Patey to Commander Craven, U. S. N.

ADMIRALTY OFFICE, *Southampton, January* 11, 1862.

SIR: I have the honor to acquaint you that I have received orders, with respect to the ship under your command, and the Nashville, to detain one vessel until the other has had twenty-four hours' start.

I am, &c.,
(Signed) C. G. E. PATEY.

[Inclosure 3 in No. 35.]

Commander Craven, U. S. N., to Captain Patey.

TUSCARORA, *Southampton, January* 11, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of this date.

You may rest assured that I will strictly observe all the hours by which international intercourse is regulated, and will not depart from this port within twenty-four hours after the sailing of the pirate Nashville.

I shall expect of you a strict impartiality in this matter.

I am, &c.,
(Signed) J. AUGS. CRAVEN.

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[112] *[Inclosure 4 in No. 35.]

Captain Patey to Commander Peagram, C. S. N.

ADMIRALTY OFFICE, *Southampton, January* 11, 1862.

SIR: I have the honor to acquaint you that I have received orders, with respect to the ship under your command, and the Tuscarora, to detain one vessel until the other has had twenty-four hours' start.

I am, &c.,
(Signed) C. G. E. PATEY.

[Inclosure 5 in No. 35.]

Commander Peagram, C. S. N., to Captain Patey.

NASHVILLE, *Southampton, January* 11, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of to-day's date, intimating to me that in the event of the Tuscarora proceeding to sea, the ship under my command is not to leave until twenty-four hours shall have elapsed after the Tuscarora's departure, and I beg to assure you that I shall rigidly conform to the instructions of your government in this respect, and you may depend that nothing whatever shall be done on my part to infringe the neutrality of this port.

I have, &c.,
(Signed) R. B. PEAGRAM.

No. 36.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 15, 1862. (Received January 16.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter dated the 14th instant, from Captain Patey, relative to the American vessels Tuscarora and Nashville, now at Southampton.

I am, &c.,
(Signed) W. G. ROMAINE.

P. S.—Tuscarora weighed and passed Calshot at 2 p. m. to-day in a fog. W. G. R.

[Inclosure in No. 36.]

Captain Patey to the secretary to the admiralty.

[Extract.]

SOUTHAMPTON, *January* 14, 1862.

I have the honor to acquaint you, for the information of the lords commissioners of the admiralty, that in carrying out their lordships' orders, as conveyed to me by your telegram received at 2.15 a. m. of the 12th instant, I proceeded early in the morning of that date on board the Nashville, lying in the docks, and after some conversation with the commander of that vessel, who met me in the most conciliatory spirit, showing the greatest anxiety not to do anything which could in the slightest degree tend to infringe the neutrality of this port; after which conversation I handed him my letter, and requested, if he saw no objection, he would give me a written acknowledgment, which would embody what he had already stated. This he immediately did.

After communicating with the Nashville, it then blowing a heavy gale of wind, I was unable to communicate with the Tuscarora until 2 p. m. of the same day, when I succeeded in obtaining a tug, and by that means reached the Tuscarora in the [113] stream, on board which ship I was received by her commander, *whom I informed of my orders. After a discussion on various points involved in the question of neutrality, I placed in his hands the communication which I had addressed to him. At the same time I stated that, to prevent any possible misunderstanding in the matter, I would be glad to receive a written reply from him, which, after some hesitation, and desultory remarks respecting the Nashville, and the so-called Confederate States of North America generally, to which that vessel belongs, he complied, and handed me a letter in which the specified twenty-four hours were omitted. In pointing out this grave omission, to which he did not agree with me in attaching the same importance, after some further discussion, however, he wrote and gave to me the letter, copy of which is already in their lordships' possession, remarking that he looked to me to exercise the strictest impartiality between himself and the pirate Nashville, as he termed that vessel.

I thought it was well while on board the Tuscarora to refer to the fact of his having sent officers and men into the docks to watch the Nashville, and also to point out that a boat from his ship, apparently armed, had been observed pulling in and out of the docks, without landing, during the night.

He observed that this should not be repeated; and it was at this moment he made the remark before referred to with regard to my exercising a strict impartiality between him and the Nashville.

I have not failed to point to Captain Willcox, of Her Majesty's ship Dauntless, what steps I have considered it necessary to take in this matter; and my proceedings, more fully detailed in this letter, will, I trust, meet their lordships' approval.

No. 37.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 21, 1862. (Received January 22.)

SIR: I am commanded by my lords commissioners of the admiralty to state, for the information of Earl Russell, that a telegram, as follows,

was this morning received from Captain Patey at Southampton: "Dauntless reports Tuscarora having proceeded down Southampton Water at 8 last evening—not in sight this morning, but thick fog."

I am, &c.,
(Signed) W. G. ROMAINE.

No. 38.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 22, 1862. (Received January 23.)

SIR: I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that at 8 o'clock on the 20th instant, the United States corvette Tuscarora left her moorings, but it could not then, on account of the state of the weather, be ascertained whither she proceeded, but yesterday morning she was discovered to be at anchor just outside Calshot Castle.

This morning she is reported again to have returned to her former position in Southampton Water.

I am, &c.,
(Signed) W. G. ROMAINE.

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[114] *No. 39.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 26, 1862. (Received January 26.)

SIR: I am commanded by my lords commissioners of the admiralty to transmit herewith, for the information of Earl Russell, copy of a letter from Captain Patey, R. N., and of the reply thereto, relative to the American vessels Tuscarora and Nashville. I am also to acquaint you that orders for Her Majesty's ship Shannon to proceed to Southampton as soon as possible have been sent to the commander-in-chief at Portsmouth.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 39.]

Captain Patey to the secretary to the admiralty.

[Extract.]

SOUTHAMPTON, *January* 25, 1862.

I have the honor to request you will be pleased to bring under the consideration of the lords commissioners of the admiralty whether it is intended to allow the American Federal ship of war Tuscarora, and the vessel of war Nashville, of the so-styled Confederate States of North America, to remain at this port for an indefinite period.

The Nashville's necessary defects have been made good, and she has been coaled, and, judging from the frequent movements of the Tuscarora up and down the Southampton waters, including one trip through the Needles and round the Isle of Wight, that the ship is in all respects ready for sea, I am induced to bring this matter under the notice of their lordships, because it appears to me from the course pursued, and avowedly so made known to me by the captain of the Tuscarora in a conversation which I have had with that officer, he will do his utmost to render the rule of twenty-four hours which the Nashville may be inclined to take advantage of, null and void,

by constantly keeping up his steam, and having slips on his cable, so that the moment Nashville moves, Tuscarora will precede her, and at once claim priority of sailing, returning to this port again within the lapse of twenty-four hours; it hence follows that Nashville is closely blockaded in a neutral port, and this is, without doubt, the special object of the Tuscarora's visit to Southampton.

I would also beg to point out to their lordships the possibility of the Tuscarora and Nashville coming into collision in a narrow channel and at night, and the probability of Tuscarora, supposing that the other ship had purposely run into her, opening fire on her, and hence bringing on a grave difficulty in the matter. Under all the circumstances of this peculiar case, I think it my duty to make this communication to their lordships that they may take such steps as may by them be deemed necessary, respectfully submitting that the commanders of the Tuscarora and Nashville, respectively, should be called upon to give me a written notice of the date and hour they intend to proceed to sea, and that having received such notice from either one, the other should be immediately notified of the fact, and that he would not be allowed to follow until twenty-four hours had elapsed.

[Inclosure 2 in No. 39.]

The secretary to the admiralty to Captain Patey.

ADMIRALTY, *January* 25, 1862.

SIR: With reference to your letter of to-day's date I am commanded by my lords commissioners of the admiralty to signify their direction to you to communicate with the commanders of the Tuscarora and Nashville, and to inform them that by their lordships' order you are to obtain from them written promises not to leave their present position without giving you twenty-four hours' notice of their intention to depart.

[115] *My lords, have given this direction which is not opposed to the rules of international usage, in order to prevent the possibility of a collision between the vessels of the belligerent powers, and in consequence of the evident state of preparation for immediate movement which is maintained on the part of the Tuscarora.

I am, &c.,

(Signed) W. G. ROMAINE.

No. 40.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *January* 26, 1862.

SIR: I am directed by Earl Russell to acknowledge your letter dated this day, informing Lord Russell of the proceedings of the Tuscarora and Nashville, and of the reply given, by direction of the lords of the admiralty, to Captain Patey.

Lord Russell desires me to say that he fully concurs in the directions given by their lordships.

It appears from Captain Patey's letter that the defects of the Nashville have been made good, and that she has been coaled. It appears also that the Tuscarora is quite ready for sea.

Upon the state of facts detailed in Captain Patey's letter, Lord Russell would suggest to the lords of the admiralty that both commanders, namely, those of the Tuscarora and Nashville, should be informed that they must leave Southampton waters and put to sea, with an interval of twenty-four hours between the departure of the several vessels. That as the Nashville was the first to arrive, she should be required to depart by Tuesday, at 12 o'clock at noon. That as the Tuscarora could not be permitted to go outside and wait for her antagonist, she should be ordered to go to sea on Wednesday, at 12 o'clock at noon.

If the commander of the Nashville should desire to go to sea to-

morrow, he should be allowed to do so, and in that case the Tuscarora might be desired to depart twenty-four hours after the departure of the Nashville.

It would be necessary to have a sufficient force in Southampton waters, and near Calshot Castle, to see that these orders are carried into effect without resistance.

I am, &c.,
(Signed) E. HAMMOND.

No. 41.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 27, 1862, 2 p. m. (Received January 27.)

SIR: I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that the following telegram has just been received from Captain Patey at Southampton: "Tuscarora has notified intention to put to sea to-morrow at 11 a. m.," and that my lords have answered by telegram, "Tuscarora to be allowed to proceed; acquaint Nashville."

I am, &c.,
(Signed) W. G. ROMAINE.

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[116] *No. 42.

Mr. Layard to the secretary to the admiralty.

FOREIGN OFFICE, *January* 28, 1862.

SIR: I have laid before Earl Russell your letter to Mr. Hammond, of yesterday's date, reporting the answer which the lords commissioners of the admiralty had sent by telegraph to a telegram from Captain Patey, announcing that the Tuscarora had notified her intention to proceed to sea at 11 a. m. this day.

I am, &c.,
(Signed) A. H. LAYARD.

No. 43.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 28, 1862. (Received January 29.)

SIR: I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that the inclosed telegram has been received from the senior officer of Her Majesty's ships at Southampton, respecting the departure of the United States vessel of war Tuscarora.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 43.]

Captain Patey to the secretary to the admiralty.

[Telegraphic.]

SOUTHAMPTON, *January* 28, 1862.

Have received letter from the Tuscarora: "In consequence of weather, departure deferred until to-morrow or first fine day." Replied, "Could not see anything in the state of the weather to prevent his proceeding to sea," and requested, "he would lose no time in leaving Southampton water and proceeding to sea."

No. 44.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 29, 1862. (Received January 29.)

SIR: I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that at 8.10 a. m. to-day the Tuscarora weighed, and proceeded down to Southampton water.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 45.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, January 29, 1862. (Received January 29.)

MY LORD: I have the honor to submit to your lordship's consideration copies of certain letters transmitted to me by Commander Craven, of the United States corvette the Tuscarora, now at Southampton.

It would appear, from the tenor of this correspondence, as if a different rule were about to be applied by Her Majesty's government to the armed ships of the United States from that which has been extended to their enemies. As I cannot permit myself for a moment to believe
[117] the existence of any such intention, I feel *myself constrained to apply to your lordship for such an explanation of the terms of Captain Patey's note of the 28th instant as may reconcile the apparent inconsistency which it involves.

While I deem it needless to assure your lordship of the desire of my government to abstain from any and all acts which would tend in the remotest degree to a violation of the laws of neutrality within the jurisdiction of Her Majesty, it would at the same time be the source of great regret if even a shadow of a ground should be given to the idea that at least an equal degree of comity is not extended to them with that which has been granted to persons committing the most hostile acts against their authority.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 45.]

Captain Patey to Commander Craven, U. S. N.

ADMIRALTY OFFICE, *Southampton, January* 26, 1862.

SIR: I have the honor to state that I am directed to obtain from you, as well as from the commander of the Nashville, a written promise that you will not leave your present position with giving me twenty-four hours' notice of your intention to depart.

I am, &c.,
(Signed) CHAS. E. PATEY.

[Inclosure 2 in No. 45.]

Commander Craven, U. S. N., to Captain Patey.

TUSCARORA, *Southampton, January* 26, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of this day.

I most cheerfully agree to the requirement of giving you twenty-four hours' notice of my intention to depart from this anchorage.

I am, &c.,
(Signed) J. AUGS. CRAVEN.

[Inclosure 3 in No. 45.]

Commander Craven, U. S. N., to Captain Patey.

TUSCARORA, *Southampton, January* 27, 1862.

SIR: I have the honor to inform you that I intend to proceed to sea to-morrow (Tuesday) at 11 a. m.

I am, &c.,
(Signed) J. AUGS. CRAVEN.

[Inclosure 4 in No. 45.]

Captain Patey to Commander Craven, U. S. N.

SOUTHAMPTON, *January* 28, 1862.

SIR: I have the honor to acknowledge the recipt of your letter of this day's date, acquainting me that you intend to proceed to sea to-morrow (Tuesday) at 11 a. m. A notification of your intention so to proceed has been communicated by me to the lieutenant commanding the Nashville.

I am, &c.,
(Signed) CHAS. G. E. PATEY.

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[118] *[Inclosure 5 in No. 45.]

Commander Craven, U. S. N., to Captain Patey.

TUSCARORA, *Southampton, January* 28, 1862.

SIR: I have the honor to advise you that, in consequence of the inclemency of the weather I shall defer my departure until to-morrow, (Wednesday,) or the first fair day.

I am, &c.,
(Signed) J. AUGS. CRAVEN.

[Inclosure 6 in No. 45.]

Captain Patey to Commander Craven, U. S. N.

SOUTHAMPTON, *January* 28, 1862—11 a. m.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, advising me that, in consequence, as you allege, of the inclemency of the weather, you intend to defer your departure until to-morrow, (Wednesday,) or the first fair day.

Not seeing anything in the state of the weather to prevent your proceeding to sea in

accordance with the intimation expressed in your letter to me of yesterday, I have to request that you will lose no time in leaving the Southampton waters, and proceeding to sea accordingly.

Having received from you a written notification of your intention to proceed to sea this day at 11 a. m., I did not deem it necessary to convey to you my instructions, which were "to desire that you would leave the Southampton waters and proceed to sea to-day at 12 o'clock at noon."

I am, &c.,
(Signed) CHAS. G. E. PATEY.

No. 46.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 29, 1862. (Received January 30.)

SIR: With reference to my letter of yesterday, I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Captain Patey, dated the 28th instant, and of its inclosures, relative to the United States vessel of war Tuscarora having deferred her departure from Southampton water.

I am, &c.,
(Signed(W. G. ROMAINE.

[Inclosure 1 in No. 46.]

Captain Patey to the secretary to the admiralty.

SOUTHAMPTON, *January* 28, 1862.

SIR: I have the honor to inclose, for the information of the lords commissioners of the admiralty, a copy of a letter which I received this morning from the commander of the Tuscarora, with a copy of my reply thereto. I have not, up to this hour, 5.30 p. m., received any further communication from Commander Craven, nor is there the least sign of the Tuscarora proceeding to sea, although the weather continues moderate.

I beg to acquaint their lordships that Her Majesty's ship Shannon arrived and anchored just inside Calshot at 9 this morning.

I am, &c.,
(Signed) C. PATEY.

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[119]

[Inclosure 2 in No. 46.]

Commander Craven, U. S. N., to Captain Patey, January 28, 1862.

[See inclosure 5 in No. 45.]

[Inclosure 3 in No. 46.]

Captain Patey to Commander Craven, U. S. N., January 28, 1862.

[See inclosure 6 in No. 45.]

No. 47.

Mr. Layard to the secretary to the admiralty.

FOREIGN OFFICE, *January* 30, 1862.

SIR: I am directed by Earl Russell to transmit to you a copy of a note from Mr. Adams,[1] &c., inclosing copies of Captain Patey's corre-

[1] No. 45.

spondence with the commander of the Tuscarora respecting the proceedings of that vessel and commenting upon the terms of Captain Patey's letter to Commander Craven of the 28th instant. I also transmit to you a copy of the note which Lord Russell is about to address to Mr. Adams in reply,[1] and in conformity therewith I am to request that you will move the board of admiralty to enable Lord Russell to give a precise answer as to the proceedings to which Mr. Adams refers.

I am, &c.,
(Signed) A. H. LAYARD.

No. 48.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 30, 1862.

SIR: I have had the honor to receive your letter of the 29th instant, inclosing certain correspondence transmitted to you by Commander Craven, of the United States corvette the Tuscarora.

I can assure you it has been the earnest desire of Her Majesty's government to apply the same equal rule to the armed ships of the United States and to those of their enemies.

It has been difficult to apply to the Tuscarora, however, rules which would put her exactly on an equality with the Nashville, for reasons which can only be explained by a detail of the facts.

For this purpose, the best course will be that I should refer to your letter to the board of admiralty, with a view to obtain a precise answer as to the proceedings to which you refer.

In the mean time I have to inform you that stringent rules, for the purpose of preventing any infringement of Her Majesty's neutrality during the present unhappy contest, are about to be promulgated.

I am, &c.,
(Signed) RUSSELL.

No. 49.

The secretary to the admiralty to Mr. Layard.

[Immediate.]

ADMIRALTY, *January* 31, 1862. (Received January 31.)

SIR: In reply to your letter of the 30th instant, inclosing copies of correspondence between Earl Russell and Mr. Adams, the minister
[120] of the United States at this *court, relative to the United States ship Tuscarora, and requesting a detail of facts as to the proceedings at Southampton with regard to this vessel and the Nashville, the latter belonging to the so-called Confederate States, so that his lordship may be enabled to give a precise answer to Mr. Adams. I am commanded by my lords commissioners of the admiralty to send you herewith, for Lord Russell's information, a statement of facts connected with the proceedings of the two vessels in question.

I am, &c.,
(Signed) W. G. ROMAINE.

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[1] No. 48.

[Inclosure in No. 49.]

Statement of facts with regard to the Tuscarora, United States vessel of war, and the Nashville, a vessel belonging to the so-styled Confederate States.

November 21, 1861.—Nashville arrived at Southampton, and taken into dock for calking and other repairs.

December 15.—Tuscarora arrived, and anchored off entrance to Rizer Itchen.

December 23.—Captain Patey reported no repairs had been made in Nashville beyond what were absolutely necessary, and that she had not been in any way equipped more completely as a man-of-war.

January 10, 1862.—Captain Patey reported that dockmaster at Southampton had on previous night found two officers (one with side-arms) and three men belonging to Tuscarora under graving-dock fence, on pier between docks; they stated that they were stationed there by their captain's orders to watch Nashville, and to make a signal to their own ship should Nashville attempt to get under way. Dockmaster removed these persons.

January 10.—Captain Patey also reported that Tuscarora had received 150 tons of coal, and had kept her steam up since her arrival, with a spring on her cable, apparently ready for sea.

January 11.—Captain Wilcox, of Her Majesty's ship Dauntless, stationed in Southampton water, informed captains of Tuscarora and Nashville that he had observed preperations for their departure, and had instructions to prevent any hostilities in British waters, and brought to their notice that the law of nations requires that twenty-four hours should elapse before the departure of one belligerent ship from a neutral port in pursuit of another. Captain Patey, as senior officer at Southampton, also informed captains of Tuscarora and Nashville that he had received orders to detain one vessel until the other had twenty-four hours' start. Captains of two vessels answered they would conform to law; and Captain Craven (of Tuscarora) claimed right of free access to and egress from "waters of a nation believed to be in amity with United States," trusting that strict impartiality would be observed between the two vessels. In reply, Captain Patey referred to fact of Captain Craven having sent officers and men into docks to watch Nashville, and also pointed out that a boat, apparently armed, from the Tuscarora, had been observed pulling in and out of the docks without landing during the night. Captain Craven gave assurance that this would not be repeated.

January 13.—Tuscarora left anchorage at 4 a. m., and proceeded to anchor one mile west of Calshot light-ship. Returned at 4 p. m. to former anchorage, at entrance of Itchen River.

January 15.—Tuscarora at 2 p. m. weighed, and passed Calshot.

January 16.—At 2 p. m. returned to original anchorage.

January 20.—At 8 p. m. proceeded down Southampton Water, and anchored outside Calshot Castle.

January 22.—At 10 a. m. returned to anchorage at mouth of Itchen River.

January 25.—Captain Patey reported Nashville coaled and necessary repairs completed, and Tuscarora ready for sea; also that, in conversation with him, Captain Craven, of Tuscarora, had avowed that he would do his utmost to render rule as to twenty-four hours' start null and void by constantly keeping up steam, and having slips on her cable, so that the moment Nashville might move Tuscarora would precede her, and claim priority of sailing, returning again within twenty-fours, and so actually blockading Nashville in a neutral port.

January 26.—Under instructions, Captain Patey obtained written promises [121] from *captains of Tuscarora and Nashville not to leave their then positions without giving twenty-four hours' notice.

January 27.—In order to prevent any hostile proceedings between the two vessels in British waters, a messenger was dispatched in the morning to Southampton, with instructions to Captain Patey to require Nashville to depart by 12 o'clock at noon on Tuesday, the 28th January, and Tuscarora on following day at same hour; but at 1 p. m., and before receiving these last-mentioned instructions, Captain Patey telegraphed that captain of Tuscarora had notified to him that that ship would put to sea on the following day, namely, on the 28th January, at 11 a. m. To this telegram an answer was at once sent that Tuscarora was accordingly to be allowed to proceed first; and, under the circumstances, Captain Patey did not think it necessary to acquaint the captain of Tuscarora of the orders he (Captain Patey) received subsequently, (on the afternoon of the 27th,) requiring the ship to quit Southampton.

January 28.—Captain of Tuscarora reported by letter to Captain Patey that he should defer departure, in consequence of inclemency of weather, until 29th, or first fine day. Captain Patey, in answer, told Captain Craven that he saw nothing in the state of the weather to prevent Tuscarora proceeding, and reuested she would lose no time in doing so, observing that, having received from Captain Craven a written notification

of his intention to proceed on the 27th, at 11 a. m., he (Captain Patey) had not deemed it necessary to convey to Captain Craven the instructions he had received for Tuscarora to leave Southampton at noon on the 28th.

January 28.—Captain Patey directed by telegraph not to take any steps at present to compel Tuscarora's departure.

January 29.—At 10 a. m. Tuscarora proceeded down Southampton Water.

January 30.—Captain Patey, by telegraph, reports Tuscarora, at 2 p. m., remains in Yarmouth Roads, and he asks for instructions as to Nashville's departure. Informed, in reply, that the time of Nashville's departure will date from hour Tuscarora shall really go to sea, in accordance with notice.

ADMIRALTY, *January* 30, 1862.

No. 50.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *February* 1, 1862.

SIR: I have now the honor to send you a summary of the proceedings of the board of admiralty in regard to the Tuscarora and Nashville in Southampton waters.

I think you will see from this summary that Her Majesty's government have reason to complain of the conduct of the commander of the Tuscarora as an attempt to carry on hostilities in the waters of a neutral.

I have the honor also to inclose a copy of the London Gazette,[1] containing the rules which I mentioned to you in a previous letter.

I am, &c.,
(Signed) RUSSELL.

[Inclosure in No. 50.]

Statement of facts with regard to the Tuscarora, United States vessel of war, and the Nashville, a vessel belonging to the so-styled Confederate States.

[See Inclosure in No. 49.]

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[122] *No 51.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *February* 3, 1862. (Received February 3.)

SIR: I am commanded by my lords commissioners of the admiralty to state, for the information of Earl Russell, that the United States ship Tuscarora left Portland this morning at 8.30, and stood to southeast.

I am, &c.,
(Signed) W. G. ROMAINE.

P. S.—1.30 p. m.—Captain Patey has just stated that he has received notice from Hurst that Tuscarora was passing inward at 12.25 p. m.; he has been told, in reply by telegraph, that, in the event of Tuscarora anchoring anywhere within the roads or river, to inform her captain immediately that the Nashville has given notice to sail to-day, and that Tuscarora is not to sail for twenty-four hours after Nashville.

W. G. R.

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[1] See Regulations and Instructions published by Her Majesty's government, vol. III.

No. 52.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *February* 4, 1862. (Received February 4.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, copies of two letters from Captain Patey, at Southampton, dated the 1st and 3d instant, with copies of their several inclosures, relating to the movements of the Tuscarora and Nashville.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 52.]

Captain Patey to the secretary to the admiralty.

SOUTHAMPTON, *February* 1, 1862.

SIR: I have the honor to inclose, for the information of the lords commissioners of the admiralty, copy of a letter received by me from Lieutenant R. B. Peagram, commanding Confederate States steamer Nashville, notifying his desire to put to sea in that vessel on Monday next, the 3d instant, at 3 p. m.

As the Tuscarora weighed from Lymington (to which place she had shifted her berth from Yarmouth Roads) at 3.45 this afternoon, and proceeded through the Needles, and is reported by Lieutenant John Ward, R. N., the naval agent, who has arrived from the Brazils in charge of mails on board the Tyne, as having been passed by that packet at 4.40 p. m. this day, six miles west of the Needles, steaming to the westward, I have acquainted the lieutenant commanding the Nashville that there are no objections to his proceeding to sea in the vessel under command on the date and hour he has named. A copy of my notification to this effect I beg also to inclose.

I will also inform the captains of the Shannon and Dauntless of the arranged departure of the Nashville.

I have, &c.,
(Signed) CHAS. G. E. PATEY.

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[123] [Inclosure 2 in No. 52.]

Lieutenant Commander Peagram, C. S. N., to Captain Patey.

NASHVILLE, *Southampton, February* 1, 1862.

SIR: In conformity with the regulations established by Her Majesty's government for the guidance of belligerents in the ports of Great Britain and her colonies, I have the honor to inform you that it is my desire to leave the port of Southampton on Monday, 3d instant, at 3 o'clock p. m.

I am &c.,
(Signed) R. B. PEAGRAM.

[Inclosure 3 in No. 52.]

Captain Patey to Lieutenant Commander Peagram, C. S N.

ADMIRALTY OFFICE, *Southampton, February* 1, 1862—9 p. m.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, signifying your desire to leave the port of Southamptom in the steamer under your command on Monday, the 3d instant, at 3 o'clock p. m.

As the Tuscarora proceeded to sea at 3.50 p. m. this day, there are no objections to your putting to sea on the date and at the hour notified in your letter above mentioned.

I am, &c.,
(Signed) CHAS. G. E. PATEY.

[Inclosure 4 in No. 52.]

Captain Patey to the secretary to the admiralty.

ADMIRALTY OFFICE, *Southampton, February* 3, 1862.

SIR: I have the honor to acquaint you that on receiving their lordships' instructions in cipher at 2.45 p. m. this day, "that in the event of Tuscarora anchoring anywhere within roads or rivers, I was to inform captain immediately that Nashville having given notice to sail to-day, Tuscarora was not to sail for twenty-four hours after Nashville;" and having in the mean time received a telegram from the captain of the Shannon that Tuscarora had anchored in Cowes Roads, I intimated to the lieutenant commanding Nashville that he may put to sea; and preceding him in the Sprightly at 3.50 p. m., I steamed down the Southampton water with the pre-arrangement that Nashville should follow me in half an hour, and dropping a boat *en route* with my letter, a copy of which will be found inclosed, addressed to the captain of the Dauntless, proceeded on to the Tuscarora in Cowes Roads, and intimated to her commander the instructions which I had received from their lordships. At the same time I delivered to him a written notice to the same effect, a copy of which is inclosed.

The Nashville was at the moment passing the Tuscarora, steaming toward the Needles.

Commander Craven assured me that he would keep his promise, and would not fail to strictly observe international law. I thought it right to observe to him that it would also be expected that Tuscarora should proceed to sea after the expiration of twenty-four hours. To this observation he made no definite answer, but remarked that he intended completing coal, which I have every reason to believe was arranged previous to his departure, thus showing his intention to return to this port.

After leaving the Tuscarora I communicated with the captain of Shannon, and conveyed to him their lordships' directions, in a similar letter as that written to the captain of Dauntless, (copy before referred to as inclosed,) pointing out to Captain Wainwright the necessity of keeping a strict watch on the movements of the Tuscarora, and not to allow her to depart until 5 p. m. of to-morrow, the 4th instant, 5 p. m. being the time at which the Nashville may be said to have left.

[124] * I returned to Southampton in the Sprightly at 8.30 p. m., and ordered that vessel back to Portsmouth.

I am, &c.,
(Signed) CHAS. G. E. PATEY.

[Inclosure 5 in No. 52.]

Captain Patey to Captain Willcox.

ADMIRALTY OFFICE, *Southampton, February* 3, 1862—3 p. m.

SIR: In accordance with instructions received by me in cipher from the lords commissioners of the admiralty, I have to acquaint you that in the event of the Tuscarora anchoring anywhere within roads or rivers, that Nashville, having given notice to sail to-day, the Tuscarora is not to sail for twenty-four hours afterward.

I am, &c.,
(Signed) CHAS. G. E. PATEY.

[Inclosure 6 in No. 52.]

Captain Patey to Commander Craven, U. S. N.

ADMIRALTY OFFICE, *Southampton, February* 3, 1862—3.20 p. m.

SIR: As you have returned from sea and anchored in Cowes Roads in the Tuscarora, and as the Nashville has given notice to sail from Southampton to-day, I am directed to inform you that you are not to sail again in the ship under your command until twenty-four hours after the departure of the Nashville.

I am, &c.,
(Signed) CHAS. G. E. PATEY.

No. 53.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *February* 7, 1862. (Received February 8.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, copies of a letter dated the 6th instant from Captain Wainwright, of Her Majesty's ship Shannon, and of a letter of the same date from Captain Patey, with its inclosures, relative to the Tuscarora and Nashville.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 53.]

Captain Wainwright to vice-admiral Sir H. Bruce.

SHANNON, *February* 6, 1862.

SIR: I beg to report to you the proceedings of Her Majesty's ship under my command since my letter of 28th January, 1862.

On 29th January, at 8.33 a. m., the United States war-steamer Tuscarora passed my position near Calshot Castle, on her way out. The following day, having heard that she had anchored off Yarmouth, I shifted berth at once outside the Brambles, where I could see both the Tuscarora and Dauntless. On the 1st the Tuscarora sailed, and was seen outside the Needles, steering to the westward. On the 2d received official intelligence that the Nashville was to sail at 3 p. m. on the 3d.

On the 3d the Tuscarora again made her appearance, and at 1.30 p. m. anchored off Cowes. I sent a lieutenant on board to inquire if he had put back in
[125] *consequence of any accident, and if so, what assistance he required. I desired the officer at the same time to state to him that if the Nashville came out while he was lying there he could not be permitted to quit his anchorage for twenty-four hours afterward. He replied that he had been on a cruise twenty miles west of Portland, and that he had come back to coal; and with respect to the last part of the message, that he was aware of it.

At 4 p. m. observed the Nashville coming down Southampton water. Brought fires forward and tripped my anchor at once, remaining under way until the Nashville was out of sight to the westward, when I came to off Cowes, about two cables' length from the Tuscarora. On the 4th the Tuscarora received coal. On the 6th, at 8.15 a. m., the Tuscarora proceeded under steam to the westward.

At 9.15 a. m. weighed under sail, and at noon anchored at Spithead.

I have, &c.,
(Signed) J. B. WAINWRIGHT.

[Inclosure 2 in No. 53.]

Captain Patey to the secretary to the admiralty.

SOUTHAMPTON, *February* 6, 1862.

SIR: Referring to my telegraph message of this day, stating the Isle of Wight steam-packet had reported, on arrival at Southampton at 10 a. m., the departure of the United States steamer Tuscarora from Cowes at 8.20 this morning, I have the honor to forward, for the information of the lords commissioners of the admiralty, copies of two letters which I have received from the commander of the Tuscarora during that vessel's visits to this port, the first being in answer to my notification of the 28th ultimo, and the second to that of mine of the 3d instant, copies of which I forwarded to their lordships in my confidential letter of 28th January and 3d February, respectively, to which communications from Commander Craven I did not consider it necessary to reply; still I think it my duty to bring the letters in question under their lordships' notice.

I am, &c.,
(Signed) CHAS. G. E. PATEY.

[Inclosure 3 in No. 53.]

Commander Craven, U. S. N., to Captain Patey.

TUSCARORA, *January* 29, 1862.

SIR: I have the honor to acknowledge the receipt of your letter of the 28th instant.

Your comments on "the state of weather" were uncalled for, and I did not expect from you any such want of courtesy.

I am, &c.,
(Signed) J. AUGS. CRAVEN.

[Inclosure 4 in No. 53.]

Commander Craven, U. S. N., to Captain Patey.

TUSCARORA, *off Cowes, February* 4, 1862.

SIR: I have the honor to acknowledge the receipt of your communication of February 3.

In connection with the escape of the pirate Nashville, I cannot forbear from observing that a just and rigid impartiality does not appear to have been extended toward me.

I have, &c.,
(Signed) J. AUGS. CRAVEN.

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[126] *No. 54.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET,
March 18, 1862. (Received March 18.)

SIR: With reference to your letter of the 1st of January, accompanied by a note from the United States minister respecting a statement made by a deserter from the Nashville, I am directed by the Duke of Newcastle to transmit to you, for the information of Earl Russell, the inclosed copies of a dispatch which his grace addressed to the governor of Bermuda, and of the answer now received from him on the subject.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 54.]

The Duke of Newcastle to Governor St. George Ord.

DOWNING STREET, *January* 8, 1862.

SIR: I have the honor to transmit to you the inclosed copy of a letter from the foreign office, accompanied by a note from the United States minister at this court, transmitting a deposition by a man who had deserted from the Nashville to the effect that he heard the captain assure you that she was not "a navy-vessel," but was strictly a merchant-vessel.

The man's own deposition states that the ship arrived in Bermuda with the Confederate States flag flying at the peak and a pennant at the main; and the whole tenor of your dispatch of the 2d November, which began by reporting "the arrival of the Confederate States paddle-wheel steamer Nashville, commanded by Lieutenant Peagram," appears to preclude the idea of your having been subjected to the deception which is alleged in the inclosed deposition. But in order to set at rest any doubt on the subject, I have the honor to request that you will report whether or not there is any foundation for the statement.

I have, &c.,
(Signed) NEWCASTLE.

[Inclosure 2 in No. 54.]

Governor St. George Ord to the Duke of Newcastle.

BERMUDA, *February* 14, 1862.

MY LORD DUKE: I have had the honor to receive your grace's dispatch of the 8th January, 1862, transmitting the copy of a letter from the foreign office, accompanied by a note from the United States minister to the court at London, inclosing a deposition by a man who had deserted from the Nashville to the effect that he had heard the captain of the Nashville, when at Bermuda, assure me that she was not a "navy-vessel," but was strictly a "merchant-vessel." Your grace further states that this man's depositions, and the whole tenor of my dispatch of the 2d November, 1861, appear to preclude the idea of my having been subjected to the deception which is alleged, but in order to set at rest any doubt on the subject, your grace requests that I will report whether there is any founddation for this statement.

I am glad to be able to assure your grace, in reply to your inquiry, that the statement in question is in every respect untrue. I was never on board the Nashville, and the only persons belonging to her with whom I had any communication were Lieutenant Peagram and Lieutenant Colonel Peyton, who paid me a visit at government house, the whole circumstances of which were detailed in my dispatch of the 2d November, 1861. No other person was present at this interview, and no such remark as that alleged was made to me by either of these gentlemen, nor, indeed, by any other perons at any time whatever.

As, however, I am aware that Captain Hutton, R. N., the superintendent of the dock-yard, went on board the Nashville, it has occurred to me that the deserter Williams may possible have mistaken this officer for the governor, and that some
[127] *conversation which passed between Captain Hutton and the officers of the Nashville may have been distorted into the statement which Williams has made.

Having referred to Captain Hutton, he informs me that he went on board the Nashville to return the visit of Lieutenant Peagram, but disclaims any conversation such as that related by the deserter, and adds that he was particularly cautious that nothing but commonplace civilities should pass between himself and Lieutenant Peagram.

I have, &c.,
(Signed) H. ST. GEORGE ORD.

No. 55.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *March* 19, 1862. (Received March 20.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Her Majesty's secretary of state for foreign affairs, an extract from a letter of Vice-Admiral Sir Alexander Milne, dated the 25th February, reporting the arrival of the Nashville confederate steamer at Bermuda, on the 20th February, and her subsequent departure on the 24th February.

I am, &c.,
(Signed) C. PAGET.

[Inclosure in No. 55.]

Admiral Sir Alexander Milne to the secretary to the admiralty.

[Extract.]

NILE, *at Bermuda, February* 25, 1862.

The confederate steamer Nashville arrived here on the 20th February, and sailed again on the 24th, the decision of Her Majesty's government, referred to in your letter of the 18th ultimo, having been communicated to her commander by the governor of this colony, and as when she sailed there were several vessels in sight, some of which might have been United States, I thought it advisable to send the Spiteful outside to insure due respect being paid to our territorial limits.

No. 56.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *March* 24, 1862.

SIR: In my note of the 1st of January, in which I acknowledged the receipt of your note of the 28th of December, inclosing the deposition of Frederic Williams, one of the crew of the Nashville, I had the honor to inform you that I should communicate with the secretary of state for the colonies with the view of obtaining from the governor of Bermuda a correct account of the representation as to the character of that vessel made to him by her commander.

The statement of Frederic Williams, it should be remembered, was that on the arrival of the Nashville at Bermuda, the governor had gone on board, and that Captain Peagram had then informed him that the Nashville was not a navy-vessel, but was strictly a merchant-vessel.

I have now the honor to inform you that the governor of Bermuda has assured Her Majesty's government that that statement is in every respect untrue, that he never was on board the Nashville, and that the only persons belonging to that vessel with whom he had any communication were Captain Peagram and Colonel Peyton, who called upon him at government house. That on the occasion of that interview no other person was present, and that no such remark was made to him by either of those gentlemen, nor, indeed, by any other person at any other time whatever.

[128] * The governor has further stated that being aware that Captain Hutton, R. N., the superintendent of the dock-yard, had been on board the Nashville, and thinking it possible that Frederic Williams might have mistaken that officer for the governor, and that some conversation which had passed between Captain Hutton and the officers of the Nashville had given rise to the statement Williams had made, the governor had referred to Captain Hutton, and had ascertained from him that he had been on board the Nashville in order to return Captain Peagram's visit, but that Captain Hutton had disclaimed any conversation such as that related by Williams, and had added that he was particularly cautious that nothing but commonplace civilities should pass between himself and the commander of the Nashville.

I am, &c.,
(Signed) RUSSELL.

No. 57.

Mr. Elliot to Mr. Hammond.

DOWNING STREET,
March 31, 1862. (Received April 2.)

SIR: I am directed by the Duke of Newcastle to transmit to you, for the information of Earl Russell, a copy of a dispatch from the governor of Bermuda, reporting the arrival and departure of the confederate steamer Nashville, together with copies of letters which he had addressed on that occasion to Vice-Admiral Sir A. Milne, and to the commander of the Nashville, Lieutenant Peagram, and copy of Lieutenant Peagram's reply.

I am, &c.,
(Signed) T. FREDK. ELLIOT.

[Inclosure 1 in No. 57.]

Governor Ord to the Duke of Newcastle.

BERMUDA, *February* 22, 1862.

MY LORD DUKE: I have the honor to report to your grace that the Confederate States war-steamer Nashville arrived in the port of St. George's on the 20th instant, and that I received a visit from Lieutenant Peagram, her commander, on the following morning at the government house, St. George's.

Previously to the visit of Lieutenant Peagram, I had forwarded to him a letter notifying the decision of Her Majesty's government, as contained in your grace's circular dispatch, 16th January, 1862; and I also transmitted at the same time to the vice-admiral, commanding-in-chief, a copy of the same circular dispatch with a covering letter, copy of which I also inclose.

The Nashville is engaged in taking in coals from the British ship Mohawk.

I have kept my dispatch open until the last moment, and I have now (24th instant) to report that Lieutenant Peagram sent me a reply to my communication of the 21st instant, a copy of which I inclose, and that the Nashville left these islands this day, accompanied by Her Majesty's ship Spiteful, which the vice-admiral commanding directed to proceed outside and prevent all interference by the Nashville with the vessels of whatever nation, within three nautical miles of the reefs and shores of Bermuda.

I am, &c.,
(Signed) H. ST. GEORGE ORD.

[Inclosure 2 in No. 57].

Governor Ord to Lieutenant Peagram, C. S. N.

GOVERNMENT HOUSE, *St. George's, February* 21, 1862.

SIR: You are no doubt aware of the determination of Her Britannic Majesty's government to maintain the strictest neutrality in the hostilities which are now being carried on between the United and Confederate States of North America.

[129] * In order to cause that neutrality to be effectually respected throughout the Queen's dominions, Her Majesty has directed (in accordance with a long-established European practice,) that no ship of war, privateer, or other armed vessel belonging to either of the belligerents which shall anchor in any British port, shall be allowed to quit her anchorage within twenty-four hours after any vessel belonging to the adverse belligerent, whether armed or unarmed, shall have left the same port.

In order to give effect to Her Majesty's orders, I am instructed to notify to you this rule, and to inform you that in case you should infringe it, your government will be held responsible by that of Great Britain for violating the neutrality of British waters.

I have, &c.,
(Signed) H. ST. GEORGE ORD.

[Inclosure 3 in No. 57.]

Governor Ord to vice-admiral Sir A. Milne.

GOVERNMENT HOUSE, *St. George's, February* 21, 1862.

SIR: I have the honor to forward to you the copy of a dispatch I have received from his grace the secretary of state for the colonies, respecting the arrangements to be observed in the event of the arrival in a British port of any ship of war, privateer, or other armed vessel of either the United or Confederate States.

In pursuance of these instructions I have communicated the decision of Her Majesty's government to Lieutenant Peagram, commanding the Confederate States war-steamer Nashville, which arrived in this port yesterday, and have notified to the assistant receiver-general that during her stay clearances are not to be granted to vessels of the United States without previous reference to me, that I may be enabled to notify to the commander of the Nashville that his departure cannot be permitted until twenty-four hours after the departure of the other vessel.

I have, &c.,
(Signed) H. ST. GEORGE ORD.

[Inclosure 4 in No. 57.]

Lieutenant Peagram, C. S. N., to Governor Ord.

NASHVILLE, *St. George's, Bermuda, February* 21, 1862.

SIR: I have the honor to acknowledge the receipt of your communication of this date, informing me of the determination of Her Britannic Majesty's government to maintain a strict neutrality in the hostilities now existing between the United and Confederate States of America.

In response, let me assure you that I shall most carefully conform to all the regulations of Her Majesty's government while enjoying the hospitalities of her ports.

I have, &c.,

(Signed) R. B. PEAGRAM.

[131]

*BERMUDA.

Number.	From whom and to whom.	Date.	Subject.	Geneva edition.	Second edition.
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2	Foreign office to treasury.....	Aug. 15, 1861	Inclosing Mr. Adams's note. For immediate inquiries and such steps as may be warranted.	133	173
3	Earl Russell to Mr. Adams...	Aug. 15, 1861	Have lost no time in forwarding his note to the proper department.	134	174
4	Collector of customs at Hartlepool to the commissioners of customs.	Aug. 16. 1861	Report on the Bermuda. Part of her cargo consists of munitions of war. But nothing else to indicate unlawful intentions.	134	174
5	The attorney general.....	Aug. 17, 1861	There is no sufficient evidence to justify the seizure of the vessel.	138	178
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*BERMUDA.

No. 1.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, August 15, 1861. (Received August 15.)

MY LORD: From information furnished from sources which appear to me entitled to credit, I feel it my duty to apprise Her Majesty's government that a violation of the act prohibiting the fitting out of vessels for warlike purposes is on the point of being committed in one of the ports of Great Britain, whereby an armed steamer is believed to be about to be dispatched with the view of making war against the people of the United States.

It is stated to me that a new screw-steamer, called the Bermuda, ostensibly owned by the commercial house of Fraser, Trenholm & Levy, of Liverpool, well known to consist in part of Americans in sympathy with the insurgents of the United States, is now lying at West Hartlepool, ready for sea. She is stated to carry English colors, but to be commanded by a Frenchman. She is two-masted, brig-rigged, lower part of funnel black and upper part red; black hull, with a narrow red stripe round the molding level with the deck; no poop; wheel-house painted white; six white boats, slung in iron davits. She has neither figure-head nor bowsprit. Her bottom is painted pink up to the water-line.

This steamer is armed with four guns, and she has been for some time taking in crates, cases, and barrels, believed to contain arms and ammunition of all kinds ordinarily used in carrying on war.

This cargo is nominally entered as destined to Havana, in the island of Cuba; but her armament and cargo are of such a nature as to render it morally certain that the merchants who claim to be the owners can have no intention of dispatching her on any errand of mercy or peace.

I am informed that this vessel will sail in a day or two. I therefore feel under the highest obligation to submit the information I have obtained, as the ground for an application for a prompt and effective investigation of the truth of the allegations while there is time. Not doubting the earnest disposition of Her Majesty's government faithfully to adhere to the principles of neutrality to which it has pledged itself, I ask, on the part of the United States, for no more than a simple enforcement of the law, in case it shall appear that evil-minded persons are seeking to set it at naught.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 2.

Mr. Hammond to Mr. Hamilton.

[Immediate.]

FOREIGN OFFICE, *August* 15, 1861.

SIR: I am directed by Earl Russell to transmit to you herewith a

copy of a letter from the United States minister at this court,[1] calling the attention of Her Majesty's government to a steam-vessel fitting out at Hartlepool for the purpose, it is supposed, of making war against the people of the United States; and I am to request that you will move the lords commissioners of the treasury to cause immediate inquiries to be made respecting this vessel, and to take such steps in the matter as may be warranted by law.

I am, &c.,
(Signed) E. HAMMOND.

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[134] *No. 3.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *August* 15, 1861.

SIR: I have the honor to acknowledge the receipt of your letter of this day, calling the attention of Her Majesty's government to a steam-vessel now fitting out at Hartlepool, which you state it is believed is about to be dispatched with a view of making war against the people of the United States, and I have to acquaint you that I have lost no time in communicating with the proper department of Her Majesty's government on this subject.

I am, &c.,
(Signed) RUSSELL.

No. 4.

Mr. Mackenzie to the commissioners of customs.

WEST HARTLEPOOL CUSTOM-HOUSE, *August* 16, 1861.

HONORABLE SIRS: With reference to the telegrams received by me last night and to-day from the deputy chairman, and my reply to the first of these by telegraph this morning, respecting the steamer Bermuda, I forward herewith a copy of the master's agreement with the crew, with their names, &c.; also, a report from the surveyor showing the nature of the vessel's cargo.

Finding, from a communication which I had seen from the American consul at Leeds to his broker here, that the steamer in question was suspected to be fitting out at this port for the purpose of being used as a privateer for the Confederate States, I have been keeping an eye on her, but I see nothing to indicate such to be her object, either as regards her external equipments or the character of her crew, or anything in her case more than usual to give ground for remark, unless it be the circumstance that a large portion of her cargo consists of arms and ammunition; and it is possible that, although the destination of the vessel ostensibly is Havana, it may be the design eventually to run some, if not the whole, of the goods on board into the States referred to.

The Bermuda is expected to clear to-morrow, but it is not likely that she will sail before Monday, if even then.

I am, &c.,
(Signed) J. MACKENZIE.

P. S.—Since writing the above a person has been added to the ship's

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[1] No. 1.

articles as supercargo, and who states thereon that he is a native of South Carolina. This would increase the suspicion as to the ultimate destination of what she has on board.

J. M.

[Inclosure 1 in No. 4.]

Mr. Hackett to Mr. Mackenzie.

SURVEYOR'S OFFICE, *August* 16, 1861.

SIR: I beg to report that the Bermuda, British steamship, Tessier master, for Havana, is taking in a general cargo, consisting of woolen manufactures, viz, blankets, serge shirts, drawers, stockings, cloth, monkey-jackets, caps, &c.; cotton manufactures, viz, shirtings, plain and printed calicoes, &c.; linen, viz, canvas; boots and shoes; earthenware, hardware, machinery; tea from bond; accouterments, viz, knapsacks, muskets, musket-bullets, swords, pistols, 16 tons of gunpowder, made up into cartridges; percussion-caps, &c. The fittings of this vessel are of the usual nature, and present no appearance to indicate she is intended for anything but an ordinary trader.

The vessel is new, of iron, and but recently launched from Stockton. It is expected that she will be loaded to-morrow, and will sail on Monday.

Respectfully submitted.

(Signed) F. J HACKETT, *Surveyor.*

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[135] * [Inclosure 2 in No. 4.]

FORM No. 19.—November, 1864,

REGISTER.

Official number of ship 42608. Name of ship, Bermuda.

Port number.	Port of registry.	British or foreign built.	Whether a sailing or steamship; if steam, how propelled.	Where built.	When built.	Number, date, and port of previous registry, (if any.)
166. 1861	Liverpool	British	Steam-screw.	Stockton-on-Tees	1861	.....

Number of decks	Two.	Build	Clincher.
Number of masts	Two.	Gallery	None.
Rigged	Brig.	Head	None.
Stern	Elliptic.	Frame-work	Iron.

TONNAGE.

	No. of tons.
Tonnage under tonnage-deck	897.86
Closed-in spaces above the tonnage-deck, if any, viz:	
Space or spaces between decks	.....
Poop	.....
Round-house	.....
Other inclosed spaces, if any, naming them	.....
	897.86
Deduct allowance for propelling power	180.87
Register tonnage	716.99

MEASUREMENTS.

	Feet.	Tenths.
Length from the fore part of the stem, under the bowsprit, to the aft side of the head of the stern-post	216	2
Main breadth to outside of plank	29	0
Depth in hold from tonnage-deck to ceiling at midships	20	4

ADDITIONAL PARTICULARS FOR STEAMERS.

	Tons.
Deduction for space required for propelling-power	180. 87
Length of engine-room (if measured)	31 feet 4 tenths.
Number of engines	2
Combined power (estimated horse-power)	135

Names, residence, and description of the owners, and number of sixty-fourth shares held by each owner:
Edwin Haigh, of Liverpool, in the county of Lancaster, merchant 64

Subsequent indorsement.

Vessel seized and condemned in 1862 by the United States authorities. Certificate of registry supposed to have been taken with the vessel, as per letter from the owner, dated 29th November, 1870. Registry closed 2d December, 1870.

CUSTOM-HOUSE, *Liverpool, November* 2, 1871.

I hereby certify the above to be a true copy of the register of the steamship Bermuda, as appears in the book of registry of British vessels kept at this port.
Registry dated 2d August, 1861.
(Signed) J. B. EDWARDS,
Assistant Registrar, Port of Liverpool.

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[136] *FORM No. 20.

Transactions subsequent to registry.

Official number of ship.	Port.	Name of ship.	Number and date of registry.
42, 608	Liverpool	Bermuda	166; 1861.

Number of transaction.	Letter denoting mortgages and certificate of mortgage.	Name of person from whom title is derived.	Number of shares affected.	Date of registry.	Nature and date of transaction.	Name, residence, and occupation of transferee, mortgagee, or other person acquiring title or power.
1	.....	Edwin Haigh ...	64	5th Aug., 1861, 10 a. m.	Certificate of sale, dated 3d August, 1861.	Allan Stuart Hanckel, and George Alfred Trenholm, both of Charleston, State of South Carolina, either jointly or severally, merchants.

Number and account of subsequent transactions showing how interest disposed of.	SUMMARY.					Remarks.
	Number of transaction under which title acquired.	Names of owners.	Mortgages and certificates of mortgage.	Name of mortgagees and attorneys under certificates of mortgage.	Number of shares.	
.....	1	.....	.....	.....	.....	

Empowering Allan Stuart Hanckel and George Alfred Trenholm, either jointly or severally, to sell the vessel, at any place out of the United Kingdom, for any sum he or they may deem sufficient, within twelve months from the date of the certificate.

CUSTOM-HOUSE, *Liverpool, November* 2, 1871.

I hereby certify the foregoing to be a true copy of the transaction relative to a certificate of sale for the steamship Bermuda, as appears in the book of registry of British vessels kept at this port.

(Signed) J. B. EDWARDS,
Assistant Registrar, Port of Liverpool.

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[137] *[Inclosure 3 in No. 4.]

Agreement for foreign-going ship.

(A)—Sanctioned by the board of trade August, 1860, in pursuance of 17 and 18 Vict., cap. 104.

Name of ship.	Official Number.	Port of registry.	Port No. and date of registry.	Registered tonnage.	Managing owner..	
					Name.	Address. (State No. of house, street, and town.)
Bermuda.	42, 608	Liverpool.	166; 1861.	716. 99	Edwin Haigh.	Liverpool.....

Master.			Date and place of first signature of agreement, including name of shipping office.
Name.	No. of certificate.	Address. (State No. of house, street, and town.)	
E. L. Tessier..	12, 175	Wanstead Villa, Church Road, Stanly, Liverpool.	15th August, 1861, West Hartlepool.

The several persons whose names are hereto subscribed, and whose descriptions are contained below, and of whom are engaged as sailors, hereby agree to serve on board the said ship, in the several capacities expressed against their respective names, on a voyage from West Hartlepool to Havana or and any other ports in the West Indies, and any other port or ports where freight may offer, and back to a port or ports of discharge in the United Kingdom or continent; with leave to call at any port or ports during the voyage for orders.

And the said crew promise to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers, in everything relating to the said ship and the stores and cargo thereof, whether on board, in boats, or on shore; in consideration of which services to be duly performed, the said master hereby agrees to pay to the said crew, as wages, the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement or willful or negligent destruction of any part of the ship's cargo or stores shall be made good to the owner out of the wages of the person guilty of the same. And if any person enters himself as qualified for a duty which he proves incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that the engine-room men assist the crew to get in the anchor, and in all cases of emergency, when required, are adopted by the parties hereto, and shall be considered as embodied in this agreement. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the ship in a quiet and orderly manner, who shall thereupon take such steps as the case may require. And it is also agreed that the voyage is not to exceed six months.

In witness whereof the said parties have subscribed their names hereto on the days against their respective signatures mentioned.

Dated the 15th day of August, 1861.

(Signed) EUGENE L. TESSIER, *Master.*

[138] *No. 5.

Opinion of the attorney-general on the case of the Bermuda, supposed to be intended for privateering against the Federal States of America.

Touching the steamer Bermuda, there is not before me sufficient evidence[1] to warrant any interference with the clearance or sailing of the vessel.

The United States minister appeals to the seventh section of the foreign-enlistment act (59 Geo. III, cap. 69,) but that section applies to the "equipment" of a vessel for the purpose of being "employed" in the service of a foreign state as a transport or cruiser, and has no reference to the mere nature of the cargo on board.

There is at present no proved intention that the vessel itself shall be employed for a warlike purpose.

The persons engaged in the venture must take the consequences, which, according to the law of nations, may happen to ensue during transit, owing to a portion of the cargo loaded by them being contraband of war.

(Signed) W. ATHERTON.

TEMPLE, *August* 17, 1861.

No. 6.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *August* 22, 1861.

SIR: I acquainted you in my letter of the 15th instant that I had lost no time in communicating with the proper department of Her Majesty's government respecting the steam-vessel fitting out at Hartlepool, which you believed was about to be dispatched with a view of making war against the people of the United States.

I have now the honor to state to you that the result of the inquiries into this case having been submitted to the proper law-officer of the Crown, Her Majesty's government have been advised that there is not sufficient evidence to warrant any interference with the clearance or the sailing of the vessel.

The seventh section of the foreign-enlistment act, 59 Geo. III, cap. 69, applies to the equipment of a vessel for the purpose of being employed in the service of a foreign state as a transport or cruiser, but has no reference to the mere nature of the cargo on board, and there is at present no proved intention that the vessel itself is to be employed for a warlike purposes.

The persons engaged in the venture must take the consequences which, according to the law of nations, may happen to ensue during transit, owing to a portion of the cargo loaded by them being contraband of war.

I am, &c.,

(Signed) RUSSELL.

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[1] N. B.—The papers put before the attorney-general consisted of—

1. Mr. Adams's complaint to the foreign office.
2. The foreign-office letter thereupon to the treasury.
3. Report of the head custom-house officer at Hartlepool on the Bermuda.
4. Report of the surveyor of the customs at the same port on the cargo shipping, or to be shipped, on board the said vessel.
5. Copy of the master's agreement with the crew, their names, &c.
6. Registry of the ship. Notice of a certificate of sale executed by her owner.

[139] *No. 7.

Extract from the official log-book of the Bermuda.

[No. 10. Bermuda, 42,608.—Liverpool, A. C. M. and O. For either foreign-going or home-trade ship.]

Name of ship.	Official number.	Port of registry.	Registered tonnage.	Name of master.	No. of his certificate, (if any.)
Bermuda.....	42608	Liverpool	716. 99	E. L. Tessier.....	12175

Date of commencement of the voyage.—18th day of August, 1861.

Nature of the voyage or employment.—Bound to Havana and wherever business may offer. Went into Savannah short of coal, supercargo sold the cargo there, and ship loaded cotton for Havre, whence she returned to the United Kingdom in ballast.

Delivered to the shipping-master of the port of Hartlepool, the 9th day January, 1862.

[141] *HECTOR.

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*HECTOR.

No. 1.

Mr. Adams to Mr. Hammond.

LEGATION OF THE UNITED STATES,
London, November 17, 1862. (Received November 18.)

SIR: I have received information of the launching from the yard of Messrs. Napier, at Glasgow, of a steamer apparently designed for a war-vessel, and called the steam-ram Hector. It is there reported that this vessel has been built for the use of the British government. On the other hand, I learn from other quarters that this is not true, and that her real destination is the service of the insurgents in the United States. HECTOR. — Correspondence.

I mentioned this matter in a late conversation with Earl Russell, and expressed a desire to know whether Her Majesty's government really did own this vessel. His lordship was kind enough to remark that a line of inquiry addressed to you would be the means of procuring me the information.

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 2.

Mr. Layard to the secretary to the admiralty.

FOREIGN OFFICE, *November* 18, 1862.

SIR: I am directed by Earl Russell to transmit to you a copy of a letter from Mr. Adams, &c., respecting a vessel called the steam-ram Hector, recently launched from the yard of Messrs. Napier, of Glasgow; and I am to request that you will lay Mr. Adams's letter before the lords commissioners of the admiralty, and move their lordships to cause Lord Russell to be informed whether the Hector is being built for the use of Her Majesty's government.

I am, &c.,
(Signed) A. H. LAYARD.

No. 3.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *November* 18, 1862. (Received November 18.)

SIR: In reply to your letter of the 18th instant, I am commanded by my lords commissioners of the admiralty to state, for the information of

Earl Russell, that a vessel called the Hector has recently been launched from the yard of Messrs. Napier, of Glasgow, for this department, and that she is expected to be completed by February, 1863.

I am, &c.,
(Signed) W. G. ROMAINE.

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[144] *No. 4.

Mr. Hammond to Mr. Adams.

FOREIGN OFFICE, *November* 19, 1862.

SIR: I have the honor to acquaint you that, by Earl Russell's direction, I referred to the board of admiralty your letter of the 17th instant, and I am now to state to you that I have been informed by that department that the vessel Hector, recently launched from the yard of Messrs. Napier, of Glasgow, has been constructed for the service of Her Majesty's government.

I am, &c.,
(Signed) E. HAMMOND.

[145] *GEORGIANA.

Number.	From whom and to whom.	Date.	Subject.	Geneva edition.	Second edition.
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*GEORGIANA.

No. 1.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, January 16, 1863. (Received January 17.)

MY LORD: It has become my painful duty to call your lordship's attention to one more of the cases in which the neutral territory of Great Britain is abused by evil-disposed persons, for the worst of purposes in the present war. I have the honor to transmit a copy of a letter addressed to me by the consul of the United States at London, giving the particulars, based upon credible information received by him, the authority for which it is not in his power at present to disclose. As the vessel is known to be on the eve of departure from the port of Liverpool, I fear I have not the time necessary to procure corroborative evidence from that place. Under these circumstances, I feel myself impelled to make this representation without further delay. I have reason to believe that the vessel in question is intended to pursue a similar course with that formerly called No. 290, to wit, the destruction of the commerce of the United States. I therefore solicit the interposition of Her Majesty's government, at least so far as to enable me to procure further evidence to establish the proof of the allegations here made, in season for the prevention of this nefarious enterprise.

Praying, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 1.]

Mr. Morse to Mr. Adams.

CONSULATE OF THE UNITED STATES,
London, January 16, 1863.

SIR: I have information on evidence which secures my belief that the iron screw-steamer Georgiana, Captain Davidson, now in Sandon graving-dock, Liverpool, is intended for a confederate privateer, and is now fitting for the business of privateering. She was built in the yard of Mr. Laurie, at Glasgow. Mr. George Wigg, of New Orleans, contracted to have her built. She is now, I presume, but temporarily, for security until she gets off, registered in the name of Neil Mathieson, secretary of the Confederate Aid Association at Glasgow. She is so constructed that armor-plating could be put on to her at any time after leaving the port where she was constructed.

She is a well-built, fast vessel, rigged for fore and aft sails, and is over 400 tons net measurement. She left Glasgow for Liverpool on the 3d of the present month, and is now at the last-named port preparing for sea. She has port-holes cut for four rifled cannon, and bolts, &c., arranged for them since she left Glasgow; and also a portion of her armor-plating put on, and small arms enough for a crew of privateer's men. She will take some forty or fifty men, all told, from Liverpool, and make up a full crew after leaving. Among those now engaged is a gunner, once a sergeant in the royal artillery. She is advertised for Nassau, and will pretend to go out as a regular trader.

I regret that I am unable to sustain the above statement by the affidavits of my informants, but I am bound in honor not to use their names. My information
[148] * concerning this steamer for the last five or six weeks confirms the accuracy of the statement, and I have full confidence in its truth.
The Georgiana will call at Queenstown for coal.

Your, &c.,
(Signed) F. H. MORSE, *Consul.*

No. 2.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *January* 17, 1863.

SIR: I am directed by Earl Russell to transmit to you herewith, to be laid before the lords commissioners of the treasury, a copy of a letter from the American minister in this country,[1] inclosing a copy of a letter from the American consul in London, respecting a vessel named the Georgiana, supposed to be fitting out at Liverpool for the use of the Confederate States; and I am to request that you will move their lordships to send immediate instructions by telegraph to the proper authorities at Liverpool to take whatever steps can legally be taken in the matter.

I am, &c.,
(Signed) E. HAMMOND.

No. 3.

Mr. Hammond to Mr. Waddington.

FOREIGN OFFICE, *January* 17, 1863.

SIR: I am directed by Earl Russell to transmit to you a copy of a letter from the American minister in this country,[1] inclosing a copy of a letter from the American consul in London, respecting a vessel named the Georgiana, supposed to be fitting out at Liverpool for the use of the Confederate States.

I am to request that, in laying these papers before Secretary Sir G. Grey, you will state that copies of them have been forwarded to the treasury, with a request that immediate directions might be sent by telegraph to the proper authorities at Liverpool to take whatever steps can legally be taken in the matter, and that Lord Russell would be obliged to Sir G. Grey to take, on his side, any steps which can be legally taken in the matter.

I am, &c.,
(Signed) E. HAMMOND.

No. 4.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 17, 1863.

SIR: I have the honor to acknowledge the receipt this day of your letter of the 16th instant, inclosing a letter from the United States

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[1] No. 1.

consul in London, giving the particulars based upon credible information received by him, the authority for which it is not in his power at present to disclose, respecting an iron-screw steamer named the Georgiana, Captain Davidson, now lying in the Sandon graving-dock at Liverpool, which he believes to be intended for a confederate privateer, and to be now fitting out for the business of privateering.

I have communicated copies of your letter, and of its inclosure, to the board of treasury and to the secretary of state for the home department, without delay; and I have requested that orders might be sent by telegraph to the proper authorities at Liverpool enjoining them to take such steps in the matter as may legally be taken.

I think it right, however, to observe that Her Majesty's government cannot be answerable for any difficulty which may be experi-
[149] enced in carrying out those orders, *in consequence of the evidence on which the statement of the United States consul is made being withheld from them.

I am, &c.,
(Signed) RUSSELL.

No. 5.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL,
January 17, 1863. (Received January 17.)

SIR: I have laid before Secretary Sir George Grey your letter of this date, and its inclosures, respecting a vessel named the Georgiana, which is supposed to be fitting out at Liverpool for the use of the Confederate States; and I am to acquaint you, for the information of Earl Russell, that the foreign-enlistment act requires an information upon oath to enable the customs officers to act in such a case; and an information upon oath is also requisite to give a magistrate jurisdiction in such a case.

A letter (a copy of which is inclosed) has, therefore, been addressed to the mayor of Liverpool, requesting him to cause inquiry to be made respecting the vessel, and it will be for the magistrates to determine whether such facts as may be stated on oath are sufficient to warrant them in proceeding under the foreign-enlistment act.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure in No. 5.]

Mr. Waddington to the mayor of Liverpool.

[Confidential.]

WHITEHALL, *January* 17, 1863.

SIR: I am directed by Secretary Sir G. Grey to acquaint you that he has received a letter from the foreign office, inclosing a communication which has been made by the American minister in this country respecting a vessel named the Georgiana, supposed to be fitting out at Liverpool for the use of the Confederate States. It is said that this vessel was built in Mr. Laurie's yard at Glasgow to the order of Mr. George Wigg, of New Orleans, and is now registered in the name of Neil Mattheson, secretary of the Confederate Aid Association of Glasgow.

She is at present in the London graving-dock at Liverpool. I am to request that

you will cause immediate inquiry to be made by the police respecting this vessel, in order that if it shall appear that the parties concerned in the business are acting in contravention of the law, information on oath may be taken, as required by the statute 59 Geo. III, cap. 69, to enable the magistrates to act in the case.

I am, &c.,
(Signed) H. WADDINGTON.

No. 6.

Mr. Edwards to Mr. Goulburn.

[Telegraphic.]

LIVERPOOL, *January* 18, 1863.

Georgiana, British, 407 tons register; brig, rig; cargo, merchandise, provisions, and drugs; no guns on deck; no fittings for guns on board; 1 cwt. of powder; iron bulwarks; no port-holes for guns; no fittings for guns on board; a fast vessel; 40 crew; not fitted as a privateer; better adapted for running the blockade; cleared out for Nassau; now in the Mersey, and is intended to leave to-day, say 4 p. m.

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[150] *No. 7.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 18, 1863.

SIR: I have the honor to transmit to you herewith, with reference to my letter of yesterday, a copy of a telegram received to-day from the collector of customs at Liverpool respecting the result of the inquiry which he was instructed to make respecting the vessel Georgiana, referred to in your letter of the 16th instant as being in course of fitting out at Liverpool as a confederate privateer.

I am, &c.,
(Signed) RUSSELL.

No. 8.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
January 19, 1863. (Received January 19.)

SIR: With reference to your letter of the 17th instant and its inclosures respecting a vessel called the Georgiana, supposed to be fitting at Liverpool for the use of the Confederate States, I am desired by the lords commissioners of Her Majesty's treasury to transmit, for the information of Earl Russell, copy of a letter from the deputy chairman of the customs department, dated the 18th instant, together with copy of a letter and of its inclosure of the same date, received by Mr. Goulburn from the collector of customs at Liverpool, and forwarded this morning to their lordships.

I am to state that, under the circumstances represented by the officers of the customs at Liverpool, my lords have not considered that they

would be warranted by law in issuing any orders for the detention of the vessel.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 8.]

Mr. Goulburn to Mr. Hamilton.

5 PRINCE'S TERRACE, *January* 18, 12.30 p. m., 1863.

MY DEAR MR. HAMILTON: After the communication you made to me last evening, and in accordance with your desire, I telegraphed to Liverpool, desiring the answer to be sent as soon as possible to-day (as it was Sunday) to my house. I have just received it, and you will find an exact copy on the other side. You will see the description of the vessel Georgiana sent—and on the correctness of which I am sure you may confidently rely—does not in any way bear out the facts stated in the information forwarded to the United States minister. Under these circumstances, without further directions from you, I shall not issue any orders to detain the vessel.

I have written this as a record of what has passed between us, but shall bring this letter myself to you at once, and take your directions.

I am, &c.,
(Signed) FRED. GOULBURN.

[Inclosure 2 in No. 8.]

Mr. Edwards to Mr. Goulburn, January 18, 1863, (*telegraphic.*)

[See No. 6.]

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[151] *[Inclosure 3 in No. 8.]

Mr. Edwards to Mr. Goulburn.

CUSTOM-HOUSE, *Liverpool, January* 18, 1863.

SIR: With reference to the telegram received from you between 8 and 9 o'clock last night, as also to your letter received this morning, the accompanying statement from Mr. Morgan, the surveyor, will show you the steps that were taken in regard to the screw-steamer Georgiana, Captain Davidson, which left the Sandon dock yesterday morning with a general cargo for Nassau.

A reply was sent to your private address at half past 11 to-day, which I hope would reach you as soon as you would get home from church.

The exact details of the cargo cannot be given you until to-morrow, as I have no means of getting at the papers, there being no one here save myself. I will send you at the same time every detail regarding the vessel that I can learn, but can now assert that the ship is not intended for being used as a privateer, but no doubt for running the blockade, although of this there is no proof save that deduced from the nature of the cargo.

You will perceive by Mr. Morgan's observations that there are no port-holes cut for guns; in short, I see nothing whatever that would warrant her being detained.

I have, &c.,
(Signed) S. PRICE EDWARDS.

[Inclosure 4 in No. 8.]

Mr. Morgan to Mr. Edwards.

JANUARY 18, 1863.

SIR: Last night about 10 o'clock I received the telegram sent to you relative to the Georgiana, but, being too late, I had no alternative but to wait till this morning early, when I went in search of the vessel, and found that she had hauled into the river on Saturday.

I gave directions to the acting assistant surveyor, Mr. Webb, to accompany me to her, but as we were going I met the master of her, (Davidson,) who informed me that all the ship's papers were ashore.

I then accompanied the master, while Webb went to the vessel. On my inspection of the papers, I found nothing to induce the suspicion that she was intended for privateering. She had a great many bills of lading, in which the goods cargo were consigned to parties at Nassau.

Among other things there were a great many packages of drugs, which convinced me that they had intended to run through the blockade.

I also saw the ship's articles, upon which the names of the crew stood; the amounts set against their respective names—forty in number—were not higher rates of wages than usual, and his charter-party was in the usual style, and destined him to Nassau, Havana, or New Orleans.

On the return of the officer from the ship, he stated that she had no port-holes, no guns, and no fittings for guns on deck, and nothing to denote that she was intended for a privateer.

Under these circumstances, I am respectfully of opinion that she is in no way subject to detention.

Very, &c.,
(Signed) C. MORGAN, *Surveyor.*

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[152] *No. 9.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 19, 1863.

SIR: With reference to my letters of the 17th and 18th instant, I have now the honor to transmit to you copies of reports received at the treasury from the commissioners of customs respecting the steamer Georgiana,[1] assumed in your letter of the 16th instant, to be fitting out at Liverpool as a confederate privateer.

I am, &c.,
(Signed) RUSSELL.

No. 10.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
January 20, 1863. (Received January 20.)

SIR: With reference to the correspondence which has passed on the subject of the Georgiana, I am commanded by the lords commissioners of Her Majesty's treasury to transmit, for Earl Russell's information, copy of the accompanying report from Mr. Webb, acting assistant surveyor of customs at Liverpool, together with the manifest and copy of the victualing bill of that vessel, (with a request that the two last-mentioned documents may be returned to this department.)

From a perusal of these papers, and especially looking at the general nature of her cargo, Earl Russell will probably concur with their lordships in opinion that the suspicions as to the privateering character of the Georgiana have not been substantiated.

I am, &c.,
(Signed) GEO. A. HAMILTON.

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[1] Inclosures in No. 8.

[Inclosure 1 in No. 10.]

Report.

The examination of Mr. James Webb, acting assistant surveyor for rummaging, clearing ships, and seeing that the out-door officers who perform the water-guard duty correctly and faithfully discharge the same.

I have been in the service of the customs nearly twenty-seven years. I entered the service as a tide-waiter. Yesterday morning (Sunday) the surveyor, Mr. Morgan, called at my house (for it was my turn off duty) about 7.30, and asked me if I knew where the Georgiana was lying. I told him she had gone into the river on Saturday, and was then lying in the Mersey, opposite the watch-house. I then accompanied him toward the boarding station at the Prince's Dock Pier Head. As we were going down we met the captain, Davidson. He said he was going to the ship. Mr. Morgan then desired me to go to the ship in the river, while he turned back with the captain to see his papers. I went on board the Georgiana at about 9.30 a. m. She was about half a mile off the great landing-stage. I went on board and had the hatches removed in order to examine the cargo. She was not above half full. She appeared to have a quantity of tea and bale goods on board; also oil, tallow, and provisions, which I saw. There was no objection made to my going into any part of the vessel. I have seen the vessel several times before, both while she lay in the London dock and the graving-dock. She is an ordinary iron-screw steamer, *i. e.*, not built stronger than the ordinary merchant-vessel. She is brig-rigged, and not fore and aft. She has no port-holes, and no places fitted for mounting guns. It is impossible that she could have port-holes without a total change in the bulwarks, there being no support to sustain the recoil of the guns. There were eighteen or nineteen iron plates on board lying on the top of the cargo; they were of the same thickness as the hull of the vessel, that is, the ordinary thickness for merchant-vessels.

I am satisfied from the construction, general fittings, and adaptation of the [153] *ship, that she is in no way fitted for a privateer. I specially noticed the vessel after she came to the port, and have seen her almost daily since, and on her arrival made several inquiries about her; and so satisfied was I then, and still am, that she was not intended for warlike purposes, that I did not consider myself called upon to make any report concerning her.

(Signed) J. WEBB,
Acting Assistant Surveyor.

Signed and declared before me, at the custom-house, Liverpool, this 19th day of January, 1863.

(Signed) S. PRICE EDWARDS,
Collector.

[1 Inclosure 2 in No. 10.]

Victualing bill.

Pilot, ——— ———. Granted No. 46.

PORT OF LIVERPOOL.

Bonded and drawback stores in the Georgiana, (steamship;) A. B. Davidson, master; for Nassau, New Providence; 40 men, 10 passengers or troops; no guns; 407 tons.

Articles.	Net quantities taken on board.
Tea	3 boxes, 59 lbs.
Tea	1 chest, 92 lbs.
Tea	3 cans, 21 lbs.
Yellow moist sugar	3 barrels, 6 cwt. 1 qr. 11 lbs.
Refined sugar	2 bags, 1 cwt. 2 qrs. 4 lbs.
Refined sugar	2 barrels, 1 cwt. 2 qrs.
Coffee	1 bag, 142 lbs.
Coffee	2 bags, 321 lbs.
Molasses	1 cask, 1 cwt. 0 qrs. 9 lbs.
Raisins	2 boxes, 2 qrs.
Raisins	2 boxes, 3 qrs. 24 lbs.
Currants	1 jar, 1 qr.
Foreign rum	1 cask, 12 gallons.

[1] The particulars of the cargo are given in inclosure 2 in No. 11.

Articles.	Net quantities taken on board.
Foreign rum	2 casks, 38 gallons.
Brandy	3 cases, 5 7/12 gallons.
British plantation spirits	1 cask, 20 gallons.
Segars	2 boxes, 6 lbs.
Foreign manufactured tobacco	1 box, 40 lbs.

(Signed) H. GOOLD, *Searcher.*
A. E. BYRNE & CO.,
Brokers, Tower Buildings.

JANUARY 17, 1863.

No. 11.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *January* 21, 1863. (Received January 21.)

SIR: With reference to your letter of the 17th instant, I am directed by Secretary Sir George Grey to transmit to you herewith, to be laid before Earl Russell, copies of telegraphic communications which have been received from the mayor and town-clerk of Liverpool respecting the vessel named the Georgiana, supposed to be fitting out at that port for the use of the Confederate States of America; and I am to state, for his lordship's information, that the mayor has been instructed that the case appears at present to be one of mere suspicion, and that the vessel cannot be detained without distinct evidence on oath, bringing her within the provisions of the act.

I am, &c.,
(Signed) H. WADDINGTON.

[154] *[Inclosure 1 in No. 11.]

Mr. Gardner to Sir G. Grey.

[Telegraphic.]

LIVERPOOL, *January* 20, 1863.

Just received the following report on your letter of the 17th. Ship in the river, but a very heavy gale blowing; it is very probable she cannot get out to-day. I await your instructions.

[Inclosure 2 in No. 11.]

Report.

LIVERPOOL CONSTABULARY POLICE FORCE, CENTRAL POLICE OFFICE,
January 20, 1863.

Detective-officers Laycock and Patrick have the honor to report, for the information of Major Greig, head constable, relative to a communication from Sir George Grey, home secretary, to his worship the mayor of Liverpool, touching the Georgiana, supposed to be fitting out at Liverpool for the use of the Confederate States.

That they made strict and private inquiry, and found that the above-named vessel was built at Glasgow, and came direct from that port to Liverpool; she left the Sandon graving-dock on Thursday last, and removed to the Bramley Moore dock, where

she took in cargo, consisting of 600 cases of brandy, about 50 chests and half-chests of tea, 6 bales of woolen goods, a quantity of miscellaneous goods and medicine. During the time she was taking in cargo it was in the usual way inspected by officers of Her Majesty's customs. The customs authorities assert that no guns or ammunition were put on board, and she does not appear in any way fitted out for warlike purposes. She is only a screw-steamer of 407 tons register. Her crew consists of the captain and forty hands, who were shipped by Messrs. J. & F. Johnson, merchants, Walmer Buildings, Walmer street. They have shipped from Liverpool to Nassau, afterward to any port in the United States or British America, the voyage not to exceed two years. She went into the river Mersey on Saturday last, and had she not lost one of her anchors she would before now have proceeded to sea.

The agents are Messrs. A. E. Byrne & Co., Town Buildings, Liverpool.

(Signed) F. F. GREIG,
Head Constable.

[Inclosure 3 in No. 11.]

The town-clerk of Liverpool to Sir G. Grey.

[Telegraphic.]

Since the mayor's message sent I have seen the American consul at this port [? who] says he has information that small-arms are on board, and perhaps rifled-cannon; that [the] ship has two port-holes on each side, and there are rings in the deck for the gun-ropes; that [the] crew [consists of] nearly fifty men, and more officers than usual, and double crew of engineers and their assistants.

No. 12.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *January* 22, 1863. (Received January 22.)

SIR: With reference to your letter of the 17th instant, I am directed by Secretary Sir George Grey to transmit to you herewith a copy of a further communication which has been received from the mayor of Liverpool respecting the vessel Georgiana, and to request that you will lay the same before Earl Russell.

I am, &c.,
(Signed) H. WADDINGTON.

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[155] *[Inclosure in No. 12.]

Mr. Gardner to Mr. Waddington.

TOWN HALL, *Liverpool, January* 21, 1863.

SIR: I have to acknowledge the receipt of your letter of yesterday's date, and to inform you that I caused further inquiries to be made as to reliable evidence of any intention to fit out the Georgiana as a vessel of war for the use of the Confederate States of America, or to be used otherwise contrary to the provisions of the act 59 Geo. III, cap. 69.

The town-clerk having informed me of the statements made to him by the American consul yesterday, which were communicated to you by his telegram after I had dispatched mine, I directed the chief superintendent of the detective department, with another officer of great intelligence previously employed in this case, to wait upon the consul this morning, and to inform him that the authorities here were prepared to give every possible assistance to prevent any infringement of the act above quoted, but that the magistrates could not act unless upon precise evidence, sufficient to satisfy them that an offense had been committed against the law. He stated to the superintendent that he had obtained certain information, which, however, he could not disclose, the same having been given to him in confidence; but he suggested that an

examination of the ship should be made, for the purpose of ascertaining whether she was in any way fitted for a vessel of war, and especially in relation to ports for guns having been made here, and rings placed in the deck for the gun-ropes.

I directed that the officers should visit the ship, but she this day proceeded to sea. Our police have made every inquiry, especially in reference to the points mentioned by the consul. They verbally report to me that they found the ship was built in great haste in Glasgow; that she came here in a very unfinished state; that ports were made here, inasmuch as it was found that, in a heavy sea, from her great speed, much water would be shipped, and that these ports were intended for the escape of such water; and that she is very slightly built, and is not calculated to carry any armament or to be used as a fighting ship; and they are of opinion that she is built for speed only, and very probably intended to run the blockade, if possible.

I have directed the officers to communicate to the American consul the information they have obtained.

I have, &c.,
(Signed) R. C. GARDNER, *Mayor.*

No. 13.

Earl Russell to Lord Lyons.

FOREIGN OFFICE, *January* 23, 1863.

MY LORD: I inclose, for your lordship's information, copies of correspondence, as marked in the margin,[1] relative to a screw-steamer called the Georgiana, which was supposed to be fitting out at Liverpool as a confederate privateer.

I am, &c.,
(Signed) RUSSELL.

No. 14.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *January* 24, 1863. (Received January 24.)

SIR: With reference to the previous correspondence upon the same subject, I am directed by Secretary Sir George Grey to transmit to you, for the information of Earl Russell, a copy of a report which has been received through the mayor of Liverpool from the head constable of that borough, respecting the screw-steamer * Georgiana, said to have been fitted out for the service of the Confederate States of America.

[156]

I am, &c.,
(Signed) WADDINGTON.

[Inclosure in No. 14.]

Police report.

LIVERPOOL CONSTABULARY FORCE, CENTRAL POLICE OFFICE,
January 22, 1863.

Detective officers Laycock and Patrick have the honor to report, for the information of Mayor Greig, head constable, relative to a communication from Sir George Grey, home secretary, to his worship the mayor of Liverpool, respecting the screw steamer Georgiana, said to have been fitted out for the service of the Confederate States of America.

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[1] Nos. 1, 2, 6, 8, inclosure in No. 5, No. 9, inclosure in No. 10, Nos. 11, 12, and 15.

That from further inquiries made, officers found that she sailed yesterday from the river Mersey between 11 o'clock a. m. and 12 noon.

Officers afterward went to Messrs. Grayson's ship-building yard, Regent Road, they having executed the repairs of the above vessel while in the London graving-dock; saw Mr. Brough, their foreman, who superintended the work, who stated that he had pierced two port-holes on each side of the vessel, which would answer when she shipped much water, or for guns for her own protection.

He also stated that she is so slightly built that if a gun was fired on board of her it would shake her from stem to stern.

She was built at a very light expense for the purpose of running the blockade. She has neither gun-swivels nor ring-bolts on deck for fixing cannon.

(Signed) J. J. GREIG,
Head Constable.

No. 15.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 24, 1863.

SIR: With reference to my letter of the 19th instant, I have the honor to inclose, for your information, the following papers respecting the case of the screw-steamer Georgiana, viz:

1. A copy of the instructions addressed by the Secretary of State for the home department to the mayor of Liverpool.[1]
2. Copies of reports received from the mayor of Liverpool in reply.[2]
3. A copy received through the treasury of a report respecting the Georgiana, addressed to the commissioners of customs by Mr. Webb, the acting assistant surveyor of customs at Liverpool.[3]
4. The manifest and copy of the victualing bill of that vessel.[4]

These last-named papers I have to request that you will be good enough to return to me after perusal.

I am, &c.,
(Signed) RUSSELL.

No. 16.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, January 26, 1863. (Received January 27.)

MY LORD: I have the honor to acknowledge the reception of your notes of the 17th, 18th, 19th, and 24th of this month, together with certain papers relating to the case of the Georgiana. I return the manifest and copy of the victualing bill, as requested.

[157] *The Georgiana has departed on her voyage, and therefore I deem it unnecessary to pursue the subject further. But I regret to say that I am not entirely convinced of the incorrectness of the information upon which my representation of the 16th instant was based. After the experience had in the instances of the Oreto and of No. 290, I hope I may be pardoned for distrusting the result of any investigation arrived at in similar cases at Liverpool, when conducted by the same parties. On the other hand, the further evidence which I have obtained since writing my note tends to confirm me

[1] Inclosure in No. 5.
[2] Inclosures in Nos. 11 and 12.
[3] Inclosure 1 in No. 10.
[4] Inclosure 2 in No. 10.

in the impression first received, that the vessel was pierced for four port-holes at Liverpool, and that she sailed, carrying both cannon and small arms as well as iron plates in her hold, to be hereafter put on to protect her sides. Time will show which view of the subject is the true one. In any event, I feel safe in asking of your lordship the favor to take such measures as may at least prevent the possibility of completing the outfit and armament of this vessel at Nassau, if such a proceeding should prove to have been contemplated.

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 17.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 27, 1863.

SIR: With reference to my letter of the 24th instant, I have the honor to transmit to you, for your information, a copy of a further report which has been received, through the mayor of Liverpool, from the head constable of that borough, relative to the screw-steamer Georgiana.[1]

I am, &c.,
(Signed) RUSSELL.

No. 18.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *January* 28, 1863.

SIR: I have laid before Earl Russell your letter of the 20th instant, inclosing a copy of a report from the acting assistant surveyor at Liverpool, respecting the screw-steamer Georgiana; and I am to state to you in reply, for the information of the lords commissioners of the treasury, that Lord Russell has transmitted a copy of that report to Mr. Adams.

In accordance with your request, the manifest and copy of the victualing bill of Georgiana, which have been also shown to Mr. Adams, are herewith returned.

I am, &c.,
(Signed) E. HAMMOND.

No. 19.

Earl Russell to Lord Lyons.

FOREIGN OFFICE, *January* 31, 1863.

MY LORD: With reference to my dispatch of the 23d instant, I inclose, for your lordship's information, a copy of a further letter from the home office respecting the Georgiana.[2]

I am, &c.,
(Signed) RUSSELL.

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[1] Inclosure in No. 14. [2] No. 14.

[158] *No 20.

Earl Russell to Lord Lyons.

FOREIGN OFFICE, *February* 11, 1863.

MY LORD: With reference to my dispatch of the 31st ultimo, I transmit to you herewith, for your lordship's information, copy of a further letter from Mr. Adams relative to the case of the Georgiana.[1]

I am, &c.,
(Signed) RUSSELL.

No. 21.

Consul Archibald to Earl Russell.

NEW YORK, *March* 24, 1863. (Received April 6.)

MY LORD: I have the honor to report that the feeling of hostility toward England, arising from the fact, or the belief of the fact, that ships are being built and fitted out in Great Britain to cruise as Confederate States privateers, has of late increased in this community.

The shelter and assistance afforded to confederate cruisers at Nassau and Jamaica, and the connivance at the frequent expeditions from the former port of vessels designed to violate the blockade, have in particular excited a feeling of great irritation and resentment, which is now being brought to bear on the President, in order to induce him to issue letters of marque. Should the United States Government unhappily determine to sanction privateering, it will hardly be possible to prevent collisions with British vessels, which may lead to serious results.

I transmit, herewith inclosed, for your lordship's information, printed extracts from the New York Times and Herald, of this day's issue, which represent fairly the public sentiment in this matter.

The report in the Herald of the arrival at Nassau of the Georgiana has been confirmed to me by a gentleman who has received full particulars from Captain Davison, now here, on his way from Nassau, and who returns to England by this mail-steamer. From this information I learn that the Georgiana (to be called hereafter the Georgia) is an iron ship of 674 tons, built in the Clyde, from whence she fitted out and proceeded to sea, with no armament beyond two signal-guns; but these guns Captain Davison admits to have been heavy ones; that the principal part of the crew to man her had been sent home from the Havana; that she is an exceedingly fast sailer, and is so clad with iron as to be, if not almost, impervious to shot; at all events, something more than a mere iron-built vessel. Whether or not she took from the Clyde guns in her hold, or is to receive her further armament at Nassau or elsewhere, I have not clearly ascertained; but that she is designed to proceed to sea from Nassau, and to cruise as a Confederate States ship of war or privateer, is certain.

Captain Davison goes home to bring out a similar ship, also building in the Clyde, to be called the South Carolina, the crew for which vessel will, for the most part, be sent home from Havana.

I have, &c.,
(Signed) E. M. ARCHIBALD.

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[1] No. 16.

No. 22.

Mr. Hammond to Mr. Waddington.

[Immediate.]

FOREIGN OFFICE, *April* 7, 1863.

SIR: With reference to your letter of the 28th of January last, I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of the treasury, an extract of a dispatch from Her Majesty's consul at New York,[1] stating that the Georgiana is being equipped for the service of the confederate government at Nassau, and that it is alleged that another similar vessel is now being constructed in the Clyde.

I am, &c.,
(Signed) E. HAMMOND.

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[159] *No. 23.

Consul Archibald to Earl Russell.

NEW YORK, *March* 26, 1863. (Received April 10.)

MY LORD: Referring to my dispatch of the 24th instant, I have the honor to acquaint your lordship that I have this morning received a somewhat different version of the history and intended movements of the steamship Georgiana from that which was reported by her late master, Captain Davison, and which I deem it right to communicate without delay to your lordship.

An English gentleman, who came from Nassau in the mail-steamer British Queen, who brings me a letter of introduction, and on whose statement I feel I can rely, has just informed me that he had heard the report respecting the Georgiana, made here by Captain Davison, and assures me that it is altogether untrue that this vessel is to be employed as a privateer, or in the naval service of the Confederate States; that she is a private merchant-ship belonging to Mr. George Wigg, of Liverpool; that she came out with a cargo of general merchandise intended to be run through the blockade of the southern ports; that on her arrival at Nassau, in consequence of reports that she was an armed vessel, and intended to serve as a privateer, she was examined by the authorities, and the report ascertained to be incorrect; that she is a very fine ship, but not more than five hundred tons burden, and that her guns are not of the caliber reported, or rather insinuated, by Captain Davison, being only nine-pounders; and that she is not constructed of such heavy iron as he represents.

My informant adds that, while at Nassau, the Georgiana was painted of a lead color, and her masts were reduced; and that on the day on which the British Queen left Nassau, the Georgiana either sailed, or intended to sail, from that port for the purpose of running into Charleston.

This statement appears to be confirmed by a telegraphic report of news from Charleston, by way of Richmond, published in the New York Herald of yesterday, in which it is stated, on the 22d instant, that "the

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[1] No. 21.

enemy have been shelling the wreck of the Georgiana on Long Island beach."

My informant attributes Captain Davison's erroneous statements to the circumstance of his having been displaced from the command of the Georgiana on her arrival at Nassau.

I have, &c.,
(Signed) E. M. ARCHIBALD.

No. 24.

Consul Archibald to Earl Russell.

NEW YORK, *March* 28, 1863. (Received April 10.)

MY LORD: Referring to my dispatch of the 26th instant, I have the honor to transmit printed extracts from the New York Herald of yesterday, reporting telegraphic intelligence from Charleston, to the effect that the Georgiana ran ashore near that city, on the 19th instant, and became a wreck.

I have the honor also to acquaint your lordship that I have received from Lord Lyons copies of papers relative to the Georgiana, showing that every effort was made by Her Majesty's government to ascertain the true character of that vessel before she sailed from England, and that no evidence which would have justified her detention was forthcoming.

This information will be of service to me in aiding me to correct the misapprehensions which prevail here in reference to the views and proceedings of Her Majesty's government in regard to the outfitting in Great Britain of vessels of the supposed character of the Georgiana.

I have, &c.,
(Signed) E. M. ARCHIBALD.

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[160] *[Inclosure in No. 24.]

Extract from the New York Herald of March 27, 1863.

[From the Charleston Mercury, March 20.]

INTERESTING FROM THE SOUTH—DESTRUCTION OF THE ANGLO-REBEL STEAMER GEORGIANA OFF CHARLESTON—THE BLOCKADE RUN. BY THE CALYPSO—PREPARATIONS FOR THE BATTLE AT CHARLESTON, &C., &C.—The British iron screw-steamer Georgiana, Captain Hudson, left Nassau, New Providence, on Sunday afternoon, March 15, for this city, having on board a valuable cargo of medicines, dry-goods, and some six pieces of field-artillery of the Whitworth and Blakeley patterns. About 1 o'clock on Thursday morning, off Derree's Breakers, she made a schooner and a steamer. These, although very close, were passed successfully and without notice; but on proceeding a short distance she discovered several others, and a rocket about this time going up, the blockaders soon commenced chasing and firing.

The Georgiana kept on her course for the bar until her rudder was disabled by the explosion of a shell under her stern, and her hull was penetrated by several shots, one of which, it is reported, passed entirely through her. At one time the Yankees were so close that the order to fire, and the direction to trail their guns, could be distinctly heard.

To prevent capture the Georgiana was run ashore on Long Island beach, and the pipes leading to the vessel were cut, letting a large amount of water into the hold, which it is hoped will prevent the enemy from securing the vessel or cargo. The captain, pilot, and most of the crew have reached this city in their boats. One of the boats is still missing. She may yet be heard from. The coal burned by the Georgiana,

it is said, made much smoke, and it is thought that this led to her discovery by the Yankees.

The Georgiana was owned by English parties, and was consigned to Messrs. John Frazer & Co. A rumor reached this city yesterday that the Yankees had set the Georgiana on fire, but it may prove to be incorrect.

No. 25.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *April* 11, 1863.

SIR: With reference to my letter of the 7th instant, I am directed by Earl Russell to transmit to you, for the information of the lords commissioners of Her Majesty's treasury, copies of two dispatches from Her Majesty's consul at New York, containing further information respecting the suspected vessel Georgiana.[1]

I am, &c.,
(Signed) E. HAMMOND.

No. 26.

Lord Lyons to Earl Russell.

WASHINGTON, *March* 30, 1863. (Received April 13.)

MY LORD: Mr. Consul Archibald informs me that, in a dispatch dated the 24th instant, he transmitted to your lordship a copy of a dispatch which he addressed to me on the subject of the steamer Georgiana on the 24th instant, and that in a dispatch dated the 26th instant he inclosed to your lordship a copy of a dispatch which he wrote to me on the same day and on the same subject.

I have the honor to send herewith to your lordship a copy of a dispatch which I addressed to Mr. Archibald on receiving the dispatch from him of the 24th. I inclosed in it copies of all the papers which your lordship had sent me respecting the Georgiana, with your dispatches of the 23d January last, and of the 31st of the same
[161] month, except the notes to and from Mr. Adams, the report *of the United States consul to Mr. Adams, dated the 16th January, and the letter from the home office of the 24th January. A copy of the inclosure in this letter from the home office, was, however, sent with the other papers to Mr. Archibald.

I have, &c.,
(Signed) LYONS.

[Inclosure in No. 26.]

Lord Lyons to Consul Archibald.

WASHINGTON, *March* 25, 1863.

SIR: With reference to your dispatch of yesterday's date, I inclose, for your information, copies of papers relative to the steamship Georgiana.

These papers show that every effort was made by Her Majesty's government to ascer-

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[1] Nos. 23 and 24.

tain the true character of the Georgiana before she sailed from England, and that no evidence which would have justified her detention was forthcoming.

You may make use of the information which these papers contain for the purpose of showing the groundlessness of the imputations cast on Her Majesty's government respecting the Georgiana; but you will use your own discretion in the matter, and will not consider my communicating the papers to you as entailing upon you the necessity of taking any steps which will not in your own judgment tend in reality to allay irritation and remove misconception.

I am, &c.,
(Signed) LYONS.

No. 27.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 14, 1863. (Received April 15.)

MY LORD: I have been instructed to lay before your lordship copies of a correspondence transmitted to me from Washington relative to the arrival of the steamer Georgiana at Nassau. It appears by these papers that she appeared and was received at that port in the singular guise of an armed British merchant-vessel, although from the evidence which your lordship was pleased to furnish to me from Liverpool she was not represented as enacting any such part in that harbor. I have now every reason to believe that the information upon which I had the honor to base my representation of the character and purposes of that vessel was in all essential particulars correct.

Happily for the interests of both countries, this cause of complaint and irritation has been disposed of in a summary way in advance of any production of mischief. I wish I could have it in my power to make the same announcement in other cases to which I have been under the painful necessity to draw your lordship's notice.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 27.]

Mr. Whiting to Mr. Seward.

WASHINGTON, *March* 27, 1863.

SIR: I have the honor to inclose to you herewith my letters of protest to his excellency Governor Bayley, of Bahama, in regard to the arrival at Nassau, New Providence, on the 27th February last, of the armed privateer Georgiana, and his excellency's reply thereto. I also inclose a copy of my letter addressed to Captain T. Kennedy, of Her Britannic Majesty's ship Challenger, on the same subject, and a copy of his reply.

The captain of the Georgiana, Davidson, and his mate, Wilson, came to New York [162] in the British Queen last Saturday, avowedly *en route* for Liverpool, *where they said, openly, that a more formidable cruiser than any yet in the service of the rebels was awaiting them at Liverpool, where they expected to join her and bring her out to Nassau.

The day before I left Nassau the NA was painted out from the Georgiana's name, thus leaving her the Georgia. The new vessel, Captain Davidson said, was to be called the South Carolina, and he also said she was to be heavily armed, and that she was a very fleet vessel.

I have, &c.,
(Signed) SAML. WHITING,
Late United States Consul at Nassau.

[Inclosure 2 in No. 27.]

Mr. Whiting to Governor Bayley.

NASSAU, *February* 28, 1863.

May it please your excellency:

I have the honor to inform your excellency that I have this day received information from a consular passenger who arrived here on the steamer Georgiana, that that vessel, now in port, is armed with two rifled cannon, and otherwise equipped for warlike purposes.

I have to request your excellency will take such immediate steps to detain this vessel, until the evidence may be put in proper form, as are necessary in such a case.

I have, &c.,
(Signed) SAML. WHITING,
United States Consul.

[Inclosure 3 in No. 27.]

Mr. Nesbitt to Mr. Whiting.

COLONIAL SECRETARY'S OFFICE,
Nassau, March 2, 1863.

SIR: I have the honor to acknowledge the receipt of your letter dated the 28th ultimo, relative to the steamer Georgiana, addressed to his excellency the governor.

I am now instructed by his excellency to acquaint you that the fort adjutant, who was instructed to board the Georgiana, has done so, and reported to the effect that she is only an armed merchant-vessel.

I have, &c.,
(Signed) C. H. NESBITT,
Colonial Secretary.

[Inclosure 4 in No. 27.]

Mr. Whiting to Captian Kennedy.

UNITED STATES CONSULATE,
Nassau, New Providence, March 2, 1863.

SIR: From information received from Charles Zink, who arrived at this port as a passenger in the steamship Georgiana, I have reason to believe that that vessel, now lying at anchor at the entrance of the harbor, is fitted and equipped for the purpose of committing hostilities against the United States.

She is now a British vessel, and has, or had when she arrived here, two rifled cannon mounted on her deck, and on her voyage from Teneriffe to this port her crew were exercised in firing them. She has also, for the crew's use, in her armory revolver-pistols, rifles, shot, &c., and has ammunition and a large crew, which it is intended to double.

My Government has informed me of the character of this vessel some time past, and as I have no doubt that she is violating the provisions of the foreign-enlistment act within the jurisdiction of this government, I have to request that you, being the only British naval officer in command here, will at once board that vessel and make
[163] an examination of her; so that if, on inquiry, she should be found to be * of the character shadowed out, she may be seized and brought before the admiralty court for an examination.

I am, &c.,
(Signed) SAML. WHITING,
United States Consul.

[Inclosure 5 in No. 27.]

Captain Kennedy to Mr. Whiting.

CHALLENGER, *Nassau, March* 2, 1863.

SIR: In answer to your letter of the 2d March, 1863, I have to inform you that as the Georgiana is within the port of Nassau, you must apply to the governor to order the examination you require.

I am, &c.,
(Signed) J. KENNEDY.

No. 28.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 15, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date, inclosing copies of papers transmitted to you from Washington, respecting the case of the Georgiana.

I am, &c.,
(Signed) RUSSELL.

No. 29.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
April 14, 1863. (Received April 15.)

SIR: With reference to your letter of the 7th instant, respecting the equipment of vessels at Nassau and in the Clyde for the use of Confederate States, I am desired by the lords commissioners of Her Majesty's treasury to transmit, for the information of Earl Russell, copy of a report from the commissioner of customs, dated the 13th instant.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 3 in No. 29.]

The commissioners of customs to the lords commissioners of the treasury.

CUSTOM-HOUSE, *April* 13, 1863.

Your lordships having referred to us the annexed letter from Mr. Hammond, transmitting, by desire of Earl Russell, an extract of a dispatch from Her Majesty's consul at New York, stating that the Georgiana is being equipped for the service of the government of the Confederate States at Nassau, and that it is alleged that another vessel is being constructed in the Clyde, to be called the South Carolina, we report—

That upon the receipt of the said letter, we referred the same to our collector at Glasgow for his inquiry respecting the South Carolina, and it appears from the report of the measuring surveyor of shipping at that port, which has been forwarded to us by the collector, that there are about forty ships building at the present time in the port, and it may be intended to give one of them that name; that the only ship apparently designed for a ship of war is the one building in the yard of Messrs. Thomson, referred to in our report to your lordships of the 11th ultimo, and that she is still in a very unfinished state. The measuring surveyor adds that he is giving his closest attention to this vessel, and will take care to keep the collector fully informed of her progress from time to time.

[164] *We beg to add that we have also directed inquiry to be made at Greenock and Port Glasgow whether any such vessel is being constructed within either of these ports, and we will not fail to apprise your lordships of the result.

(Signed) THO. F. FREMANTLE.
GRENVILLE C. L. BERKELEY.

No. 30.

The law-officers of the Crown to Earl Russell.

TEMPLE, *April* 21, 1863. (Received April 21.)

MY LORD: We are honored with your lordship's commands signified

in Mr. Hammond's letter of the 7th instant, stating that he was directed by your lordship to transmit to us a dispatch and its inclosures from Mr. Consul Archibald, respecting a vessel called the Georgiana, which is stated to be equipping at Nassau for the service of the confederate government; that we should see from the correspondence which passed respecting the vessel in question when she was about to sail from Liverpool, and which Mr. Hammond was also pleased to inclose, that the attention of Her Majesty's government was called to the suspicious nature of this vessel by Mr. Adams previously to her departure from this country, but that sufficient cause was not shown for her detention; and Mr. Hammond was now to request that we would take the case into consideration, and furnish your lordship with our opinion, at our earliest convenience, as to the course which should be adopted with regard to the alleged equipment of the Georgiana for warlike purposes at Nassau.

In obedience to your lordship's commands we have taken this case into consideration, and have the honor to report—

That neither the statements in Mr. Consul Archibald's letter, nor the extracts of newspapers which he incloses in it, furnish us with any sufficient materials for advising your lordship to take any particular course of action with respect to the matters complained of in them.

To build ships in British ports and sell them to either belligerent as an article of commerce is not, as we have already had the honor to observe, an act which infringes the rules of international law; nor is it, without more, sufficient to constitute a violation of any British law.

If, subsequent to their construction and sale here, they have, in some foreign port, been equipped for war, that is not a matter with which Her Majesty's government can in any way interfere.

The Georgiana was not shown and does not appear to have been fitted out or equipped in such a manner or with such an intent as to justify her seizure when she left Liverpool. It does not now appear that she has guns fitted for belligerent purposes, or that she has received any at Nassau; it is at present all conjecture on the part of the consul.

We cannot assume that the authorities at Nassau will permit the law to be broken there.

As to the allegation that confederate cruisers are sheltered and assisted at Nassau and Jamaica, we have no evidence that they are not treated in these places upon precisely the same footing as Federal cruisers.

As to the averment that there is connivance in these ports at expeditions of merchant-vessels destined to break the blockade, we are unable to understand exactly the nature of the offense imputed.

The neutral state lies under no obligation, and often, as in this case, has no power to prevent merchant-vessels from sailing to blockaded ports; it is not her duty, but the duty of the belligerent to preserve the blockade, and to capture vessels endeavoring to violate it.

It would be proper to give instructions to watch the construction of the South Carolina in the Clyde, and the proceedings of Captain Davison with respect to her. But at the present we are not in a condition to offer further advice.

(Signed) WM. ATHERTON.
ROUNDELL PALMER.
ROBT. PHILLIMORE.

[165]

*PHANTOM.

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20	Treasury to foreign office.....	May 28, 1863	Further reports from customs at Liverpool. The vessel is not fitted for warlike service. Not true that men in uniform were on board.	178	226
21	Earl Russell to Mr. Adams...	May 30, 1863	Conveying substance of above report.	179	227
22	Mr. Adams to Earl Russell...	May 30, 1863	Further affidavits as to connection of the vessel with persons in the confederate interest.	179	228
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No. 1.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, March 26, 1863. (Received July 27.)

MY LORD: I have the honor to transmit, for your information, the copy of an extract of a letter received by me from Mr. Dudley, the consul at Liverpool, giving some particulars of hostile outfits making at that place. It is proper to add, in correction of one statement therein contained, that Mr. Dudley has to-day informed me that the Southerner has not yet reached Liverpool. There is little doubt, however, of its ultimate destination. PHANTOM.—Correspondence.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 1.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, March 24, 1864.

SIR: On Saturday last, William C. Miller & Son launched from their yard in Liverpool an iron screw-steamer called the Phantom, built for Fraser, Trenholm & Co. This vessel is large, and to have great speed; the contract is not less than seventeen nautical miles per hour. The engines are being made by Fawcett, Preston & Co. She has three port-holes on each side. Captain Bullock, Captain Tessier, Mr. Prioleau, (the leading member of the firm of Fraser, Trenholm & Co.,) Mr. Thomas, (of the firm of Fawcett, Preston & Co.,) and others, were present at the launch. She is intended for the South, either as a privateer or blockader. There is no doubt about this. I think she will turn up a privateer. Her draught of water will be light, and with her powerful engines her speed will be very fast. When afloat she will be a most dangerous craft to our commerce, if armed with two or three guns.

I have on several occasions referred to the steamer built at Stockton for Fraser, Trenholm & Co., called the Southerner. This vessel came here yesterday, either to load or else to fit out as a privateer. There is no doubt about this vessel. I suppose it will be impossible for me to obtain legal evidence against these two vessels, and nothing short of this will satisfy this government.

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I am, &c.,
(Signed) THOMAS H. DUDLEY, *Consul.*

No. 2.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *March* 27, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, calling attention to two vessels, the Phantom and

[168] Southerner, supposed to be *destined for the service of the so-called Confederate States; and I have to acquaint you that the proper departments of Her Majesty's government will be requested to make immediate inquires on the subject.

I am, &c.,
(Signed) RUSSELL.

No. 3.

Mr. Hammond to Mr. Hamilton.[1]

FOREIGN OFFICE, *March* 27, 1863.

SIR: I am directed by Earl Russell to transmit to you a copy of a letter from Mr. Adams, inclosing an extract of a letter from the United States consul at Liverpool, denouncing two vessels, the Phantom and the Southerner, as being intended to be fitted out as privateers for the service of the Confederate States; and I am to request that you will move the lords commissioners of Her Majesty's treasury to cause immediate inquiries to be made respecting these vessels, and to adopt whatever steps may legally be taken in regard to them.

I am, &c.,
(Signed) E. HAMMOND.

No. 4.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *March* 28, 1863.

SIR: With reference to my letter of yesterday's date, I have the honor to inform you that I have received from the home office a copy of a letter which has been addressed to the mayor of Liverpool respecting the two vessels Phantom and Southerner, stated by the United States consul at that port to be fitting out for the service of the so-styled Confederate States.

In that letter the mayor of Liverpool is instructed to make immediate inquiries as to these vessels, or whichever of them is now at Liverpool, and to ascertain whether there is any reason to believe that they, or either of them, are or is being equipped, furnished, fitted out, or armed, with the intent to commit hostilities against the United States Government; and if so, to report whether any evidence on oath can be procured in order to proceedings being taken under the foreign-enlistment act.

I have, accordingly, the honor to suggest that as the United States consul at Liverpool has stated in his letter to you that there is no doubt with respect to the vessel named the Southerner, you should instruct that officer to furnish the mayor of Liverpool with the information on which his belief is founded.

I am, &c.,
(Signed) RUSSELL.

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[1] A similar letter was addressed to the home office.

No. 5.

Mr. Bruce to Mr. Hammond.

[Immediate.]

WHITEHALL, *April* 1, 1863. (Received April 1.)

SIR: With reference to your letter of the 27th ultimo, I am directed by Secretary Sir George Grey to transmit to you herewith, for the information of Earl Russell, a copy of a letter from the mayor of Liverpool, with copies of the reports therein referred to, relative to the ships Phantom and Southerner, supposed to be fitting out for the service of the so-called Confederate States.

I am, &c.,
(Signed) H. A. BRUCE.

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[169] *[Inclosure 1 in No. 5.]

Mr. Gardner to Mr. Bruce.

TOWN HALL, *Liverpool, March* 31, 1863.

SIR: On the receipt of your letter of the 27th instant, relative to the ships Phantom and Southerner, supposed to be fitting out at this port to act as privateers for the so-called Confederate States of America, and inclosing copy of letter from theAmerican minister to Earl Russell and extract of a letter from the American consul at this port, I have the honor to state, for the information of Sir George Grey, that I immediately placed these communications in the hands of our head constable, and now forward a report I have received from him, inclosing a report made to him by the two detective officers he has specially employed on this subject.

You will observe that the head constable states that he will cause the inquiry to be continued. Acting upon your suggestion, I directed the head constable to communicate with the consul for the United States at this port, requesting him to furnish the information on which he grounds the statement, "there is no doubt about one of these vessels, named the Southerner."

I have, &c.,
(Signed) R. C. GARDNER, *Mayor.*

[Inclosure 2 in No. 5.]

Police report.

LIVERPOOL CONSTABULARY FORCE, CENTRAL POLICE OFFICE,
March 30, 1863.

Detective Constables Laycock and Smith have the honor to report, for the information of the head constable, that, as ordered by him, they have made careful inquiry relative to the two ships, the Phantom and the Southerner, and find that the Southerner, though expected, has not yet arrived in this port, but that the ship Phantom was launched on Saturday, the 21st instant, from the building-yard of W. C. Miller, Sons & Co., of Liverpool, and the engines are being made and fitted by Messrs. Fawcett, Preston & Co., of this town. She is in an unfinished state, and not expected to proceed to sea under a fortnight or three weeks. No distinct information could be had as to what she is intended for, but a strong impression exists that she is for the purpose of running the blockade.

(Signed) J. J. GREIG, *Head Constable.*

[Inclosure 3 in No. 5.]

Police report.

LIVERPOOL CONSTABULARY FORCE, CENTRAL POLICE OFFICE,
March 30, 1863.

The head constable has the honor to return to his worship the mayor the inclosed communications from the home secretary, the United States minister, and the United

States con sul at this port, together with a report on the subject thereof. He does not see how evidence on oath can be obtained that these ships, the Southerner and Phantom, are to be fitted out with intent to commit hostilities against the Federal Government of the United States, but he will cause the inquiry to be continued, though perhaps more distinct information might be obtained concerning them from the custom-house authorities when the ships are about to clear out.

(Signed) J. J. GREIG, *Head Constable.*

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[170] *No. 6.

Mr. Hamilton to Mr. Hammond.

[Immediate.]

TREASURY CHAMBERS,
April 1, 1863. (Received April 1.)

SIR: With reference to your letter of 27th ultimo, I am commanded by my lords commissioners of Her Majesty's treasury to transmit to you the inclosed copy of a report from the commissioners of customs, dated 31st ultimo, on the subject of the two vessels, Phantom and Southerner, which are suspected of being fitted out for the service of the Confederate States of America, which their lordships desire me to request you to lay before Earl Russell.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 6.]

The collector of customs to the lords commissioners of the treasury.

Your lordships having referred to us the annexed letter from Mr. Hammond, under-secretary of state for foreign affairs, inclosing copy of a letter from the American minister, with an extract of a communication from the United States consul at Liverpool with reference to the vessels Phantom and Southerner, which, it is alleged, are to be fitted out as privateers for the use of the Confederate States, and signifying the request of Earl Russell that immediate inquiries might be made respecting these vessels, and such steps adopted in regard to them as might be legally taken, we report that on receipt of your lordships' reference we instructed our collector at Liverpool to make immediate inquiry respecting the said vessels, and to report the result, and having received the report of that officer we now beg leave to state the particulars. The Phantom was built at the yard of Mr. W. C. Miller, and is now in the Clarence graving-dock being painted; her length is 193 feet, breadth 22, and depth 12 feet; her gross tonnage 321, and her probable register tonnage 160. From the considerable space appropriated to her engines and her model there seems to be no doubt a high rate of speed will be obtained; and from her light draught of water the surveyor of this revenue is of opinion she is well adapted for running the blockade; but as she has steel plates only half an inch thick, and as the angle-irons which compose the deck-beams are only 5 by 3½ inches thick, and as, moreover, she has no ports except for water-way, (three in all,) and a hurricane-house on deck, he considers she is not intended to carry guns, and that she is not fit for a privateer.

The other vessel, the Southerner, has not yet arrived at Liverpool, but on her arrival a strict watch will be kept on her as well as upon the Phantom, and any further information fit for your lordships' cognizance will be forthwith reported.

(Signed) THO. F. FREMANTLE.
GRENVILLE C. L. BERKELEY.

CUSTOM-HOUSE, *March* 31, 1863.

No. 7.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 3, 1863.

SIR: Since the date of my letter of the 27th ultimo, I have received from the board of treasury a report made by the commissioners of customs under date of the 31st ultimo, and from the secretary of state of the home department, a report from the mayor of Liverpool bearing the same date, containing the result of the inquiries made by them in regard to the vessels Phantom and Southerner, denounced by you in your letter of the 26th ultimo, as intended for the naval service of the so-called Confederate States.

It appears from the first of those reports that the Phantom was built at the yard of Mr. W. C. Miller, and is now in the Clarence grav-
[171] ing-dock. Her length is *193 feet, her breadth 22 feet, her depth 12 feet, her gross tonnage 321, and her probable register tonnage 160.

From the considerable space appropriated to her engines, and from her model, there seems to be no doubt a high rate of speed will be obtained, and from her light draught of water she will be adapted for running the blockade; but as she has steel plates only half an inch thick, and as the angle-irons which compose her deck-beams are only 5 by 3½ inches thick, and as, moreover, she has no ports except for water-way, (three in all,) and a hurricane-house on deck, the surveyor of customs considers that she is not intended to carry guns, and that she is not fit for a privateer.

The mayor of Liverpool reports that the Phantom was launched on the 21st of March from the yard of Messrs. Miller & Co., and that her engines are being made and fitted by Messrs. Fawcett, Preston & Co., of Liverpool; that she is in an unfinished state, and not expected to proceed to sea under a fortnight or three weeks. No distinct information could be obtained as to what she is intended for, but a strong impression exists that she is destined for the purpose of running the blockade.

The Southerner has not yet arrived at Liverpool.

A strict watch will be kept as regards both vessels.

I am, &c.,

(Signed) RUSSELL.

No. 8.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 6, 1863. (Received April 7.)

MY LORD: I have the honor to acknowledge the reception of notes from your lordship dated the 27th and the 31st of March, and two of the 3d of April, in reply to certain representations of mine concerning the vessels believed to be in preparation at Liverpool for the carrying on of hostilities at sea against the commerce of the United States. It is a source of great satisfaction to me to recognize the readiness which Her Majesty's government has thus manifested to make the investigations desired, as well as to receive the assurances of its determination

to maintain a close observation of future movements of an unusual character that justify suspicions of any evil intent.

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 9.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, May 16, 1863. (Received May 16—6.45 p. m.)

MY LORD: I have the honor to transmit to you copies of two depositions going further to show the character and purposes of the steamer Phantom, concerning which I have already made some representations in my note to your lordship of the 26th of March. Not doubting that these proceedings have already attracted the attention of Her Majesty's government,

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 9.]

Deposition of Robert Thomas.

I, Robert Thomas, of Number Three Court, Ann street, Toxteth Park, Liverpool, in the county of Lancaster, police constable No. 379 of the borough police, make oath and say as follows:

1. I do duty as a police constable at the Toxteth docks, Liverpool, and have [172] *been so employed for the last three years and upward. I know the ship-building yard of Messrs. W. C. Miller & Sons, ship-builders, Liverpool, which adjoins to the dock, and has an entrance into the dock.

2. About five months ago my attention was drawn to a ship that I was told was to be made of steel plates. She was then on one of the slips in Messrs. Miller & Sons' yard, and had only her ribs up. Since that time I have seen her from day to day. She is now lying in Toxteth dock. I have been aboard of her since she has been in the dock. She is entirely cased with steel plates. There are three port-holes on each side, which are covered with steel shutters. She is fitted with a screw. There are no sleeping-bunks for the crew, and very little room in her for cargo, her engines and boilers taking up most of the room; and from her whole appearance I am able to say that she is intended for war purposes.

3. The engines are being fitted by Messrs. Fawcett, Preston, & Co., whose men have been and are now at work on her.

4. I know Captain Bullock, who went out with the Oreto, which vessel I remember when in Messrs. Miller & Sons' yard, who built her. I have known Captain Bullock about twelve months, and have seen him engaged in giving directions on board the Oreto, the Alexandra, and I have also seen him upon the Phantom very often superintending and directing the workmen who were engaged upon her. I saw him on Tuesday last, on which day the Phantom went out of the Toxteth dock into the river to try how the screw would act. I was then standing on the pier-head, and the vessel was close to. They were trying her screw for twenty minutes and more. There were present with Captain Bullock, Mr. Thomas Miller, one of the firm of W. C. Miller & Sons, Mr. Steers, of Fawcett, Preston & Co., and some other people whom I don't know. I heard Captain Bullock give directions as to the vessel, and also saw him examining the screw with Mr. Steers and Mr. Miller. I spoke to Captain Bullock when he came on shore, and asked him if any accident had happened to the Phantom, as they kept her so long at the gate. He said, no, she was all right. The Phantom was hauled into the dock again after the trial was over, and I saw her there last night.

5. I saw the said Captain Bullock and Mr. Thomas Miller again last night looking at the Phantom and inspecting the progress of the work. The men are very busy at

work upon her. Her engines are now all furnished, and there is little to be done before she will be ready for sea.

(Signed) ROBERT THOMAS.

Sworn at Liverpool, in the county of Lancaster, the 14th day of May, 1863, before me.

(Signed) ARTHUR ELLIS,
A Commissioner to administer Oaths in the Exchequer of Pleas at Westminster.

[Inclosure 2 in No. 9.]

Deposition of William Cozens.

I, William Cozens, of No. 7 Lavan street, Liverpool, in the county of Lancaster, detective police officer, make oath and say as follows:

1. I have been employed for the last several weeks watching the building of certain vessels by certain parties in Liverpool and neighborhood, and among others my attention has been called to a vessel built by Messrs. W. C. Miller & Sons, ship-builders, Liverpool, which vessel is called the Phantom.

2. I saw the Phantom lying in the Clarence dock-basin the first week in April. She remained there until the 4th of May instant, when she was taken up to the Toxteth docks.

3. During the time the Phantom was lying in the Clarence basin I frequently saw an engineer named William Allen, who, I am informed and believe, sailed from this port as the chief engineer on board the steamship Oreto in March, 1862. I saw also the foreman and head engineer of Messrs Fawcett, Preston & Co. on board of the Phantom superintending the men who were engaged fitting the engines and boilers on her. I observed that some of their tools and machines bore the intitial marks "F. P. & Co." I also saw two boilers now in the ship being taken there on a carriage which had the name of Fawcett, Preston & Co. thereon.

[173] *4. Since the Phantom has been in the Toxteth docks I have seen on her machinery the initials of "F. P. & Co.;" and on Wednesday, the 13th May instant, I was at the Toxteth dock, and there saw Captain Bullock and Mr. Thomas Miller, one of the junior partners of the firm of Miller & Sons. They were in conversation, and appeared to be inspecting the ship; and after they came on shore they remained looking at her bow and talking together for several minutes.

5. The Phantom is a screw-steamer of about 200 feet long. She is steel-plated all over, and has three port-holes on each side. She draws very little water, not more than three feet forward and about seven or eight feet aft. She has very little room for any cargo, and appears to me to be built for war purposes. They are fitting her up with great expedition. Her engines are finished, and she is almost ready for sea.

(Signed) WM. COZENS.

Sworn at Liverpool, in the county of Lancaster, the 14th day of May, 1863, before me.

(Signed) ARTHUR ELLIS,
Commissioner to administer Oaths in the Exchequer of Pleas at Westminster.

No. 10.

Mr. Hammond to Mr. Hamilton.[1]

FOREIGN OFFICE, *May* 16, 1863.

SIR: With reference to my letter of the 27th of March, I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of Her Majesty's treasury, a copy of a note from Mr. Adams,[2] inclosing copies of two depositions going, Mr. Adams states, further to show the character and purpose of the Phantom steamer, in course of construction at Liverpool; and I am to request that you will move the lords of the treasury to adopt whatever steps may legally be taken in regard to this vessel.

I am, &c.,

(Signed) E. HAMMOND.

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[1] A similar letter was addressed to the home office. [2] No. 9.

No. 11.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 18, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, inclosing copies of two depositions going further to show the character and purposes of the steamer Phantom, now in course of construction at the port of Liverpool; and I have the honor to inform you that I have lost no time in forwarding copies of these papers to the proper departments of Her Majesty's government.

I have, &c.,
(Signed) RUSSELL.

No. 12.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, May 19, 1863. (Received May 19, 4 p. m.)

MY LORD: I have the honor to transmit the copy of another deposition supplementary to that which I submitted to your consideration with my note of the 16th instant, relating to the steamer Phantom.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

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[174] *[Inclosure in No. 12.]

Deposition of Robert Thomas.

I, Robert Thomas, of Number Three Court, Ann street, Toxteth Park, Liverpool, in the county of Lancaster, police constable, make oath and say as follows:

1. On Friday last I went on duty at the Toxteth dock; about half past 9 o'clock I saw Captain Bullock coming down and go alongside of the Phantom, and point out to one of the foremen of Messrs. W. C. Miller & Sons something that required to be done to the fore-part of the vessel's deck. The foreman then went on deck, and Captain Bullock went into Messrs. Miller's yard; and in about twenty minutes afterward he came out with Mr. Thomas Miller, and they went on board the vessel, and remained there some time. I saw him with one of the foremen, of the name of David Runcan, fitting on the hatchway cover.

2. Captain Bullock had a roll of paper in his hand, which I believe to have been a plan; and he was inspecting the vessel, and from time to time referring to the paper; and he was thus occupied upward of two hours.

3. During the whole of the time I was on duty at the dock yesterday, from 8 o'clock a. m. to half past 3 p. m., Messrs. Miller's men and Messrs. Fawcett, Preston & Co.'s men were busily engaged on the vessel.

4. Captain Bullock was also at the vessel at half past 8 o'clock a. m. this morning, inspecting her galley and other portions; he had with him the same paper, and was engaged in giving directions to the men and pointing out things which appeared to require alteration. I was not near enough to him to hear what these directions were, but his manner was such as to leave no doubt on my mind that he was pointing out certain things which did not tally with the paper he had in his hands.

5. I had some conversation with one of the engineers in the employ of Fawcett, Preston & Co., whose name I do not know, but who has been continually employed on the Phantom ever since she has been in the Toxteth Dock; and, in reply to a question of mine as to when the Phantom was going to sail, he said he did not know, but that she was going to leave the dock on Monday to try her engines, as she was all finished except just oiling her engines.

(Signed) ROBERT THOMAS.

Sworn at Liverpool, in the county of Lancaster, the 16th day of May, 1863, before me,
(Signed) ARTHUR ELLIS,
A Commissioner to administer Oaths in the Exchequer of Pleas at Westminster.

No. 13.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 19, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of to-day's date, inclosing a further deposition in the case of the Phantom, and I have to inform you that I have lost no time in referring the same to the proper departments of Her Majesty's government.

I am, &c.,
(Signed) RUSSELL.

No. 14.

Mr. Hammond to Mr. Hamilton.[1]

[Pressing.]

FOREIGN OFFICE, *May* 19, 1863.

SIR: With reference to my letter of yesterday's date, I am directed by Earl Russell to transmit to you, to be laid before the lords [175] commissioners of Her Majesty's *treasury, a copy of a further letter, and its inclosures, from Mr. Adams respecting the Phantom.[2]

I am, &c.,
(Signed) E. HAMMOND.

No. 15.

Mr. Hamilton to Mr. Hammond.

[Immediate.]

TREASURY CHAMBERS,
May 23, 1863. (Received May 23, 6 p. m.)

SIR: With reference to your letter of 18th instant, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copy of a report from the commissioners of customs on the subject of the vessel Phantom, which has been suspected of being fitted for the warlike service of the Confederate States of America.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 15.]

The commissioners of customs to the lords commissioners of the treasury.

Mr. Hamilton having, by his letter of the 18th instant, transmitted the annexed letter from the foreign office, with its inclosures, relating to the ship Phantom, now in course of construction, apparently for warlike purposes, at Liverpool, and signified the desire of your lordships that we would instruct our solicitor to take such steps as he may advise in the matter.

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[1] A similar letter was addressed to the home office. [2] No. 12.

We beg to refer to our report of the 31st March last, upon a former letter from the foreign office inclosing a copy of a letter from the United States consul at Liverpool, with reference to the Phantom, wherein we stated the result of the inquiries then made by our directions respecting the vessel, which was as follows:

The Phantom was built at the yard of Mr. W. C. Miller, and was in the Clarence graving-dock being painted, her length being 193 feet, breadth 22 feet, and depth 12 feet; her gross tonnage 321, and her probable register tonnage 160. From the considerable space appropriated to her engines and her model, there seemed to us to be no doubt a high rate of speed will be obtained; and from her light draught of water, the surveyor to this revenue is of opinion she is well adapted for running the blockade; but as she had steel plates only half an inch thick, and as the angle-irons which compose the deck beams are only 5 by 3½ inches thick; and as, moreover, she had no ports except for water-way, (three in all,) and a hurricane-house on deck, he considered she is not intended to carry guns, and that she is not fit for a privateer.

That immediately on the receipt of the present reference we directed our collector at Liverpool to call upon the surveyor to report upon the allegation that the vessel has port-holes, and to state whether he has ascertained any further particulars respecting this vessel; and from the surveyor's further report, it appears that the Phantom has, as previously stated, ports on deck, but it is evident from their size and situation that they are intended for the escape of water, and not for guns, which the strength of the deck is not sufficient to carry; moreover, the permanent fittings on deck would interfere with the working of guns.

The surveyor states that, in his opinion, the vessel is intended for mercantile pursuits; but whether of a lawful character, or for running the blockade, there is no evidence to show. She is a remarkably smart vessel, and is well adapted for a mail or dispatch boat; and he further observes that the proceedings on board, since the date of his former report, have been strictly watched, but that nothing has transpired worthy of special notice.

We are also informed that the Phantom was registered at Liverpool on the 21st instant by William Thompson Mann, of the firm of Fawcett, Preston & Co., engineers, &c., at the port; her tonnage, per registry, is $209\frac{7}{100}$ tons, and numbered 193 in [176] the books of the present year. And having referred the report of our * officers at Liverpool, and the declarations contained in the annexed papers to our solicitor, he has given his opinion that there is no evidence whatever to warrant the slightest interference with this vessel. Our solicitor has also stated that while recently at Liverpool for the purpose of conducting inquiries into the case of the Alexandra, the vessel now in question, the Phantom, was the subject of a private conversation between himself and Mr. Squarey, the solicitor to the American consul; who then admitted they had no case against the vessel, and that the recoil of a heavy gun would shake her to pieces.

With these observations, we beg to submit the case for your lordships' further consideration.

(Signed) THO. F. FREMANTLE,
GRENVILLE C. L. BERKELEY.

CUSTOM-HOUSE, *May* 22, 1863.

No. 16.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, May 23, 1863. (Received May 23.)

MY LORD: I have the honor to transmit the copy of another deposition relating to the case of the steamer Phantom.

At the same time I seize the opportunity to mention that from information received by the consul of the United States at Liverpool, I am led to the belief that preparations are actively in progress for the expediting of the Sumter from that port.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 16.]

Deposition of John De Costa.

I, John De Costa, of Liverpool, in the county of Lancaster, shipping agent and steam-tug owner, make oath and say as follows

1. On Tuesday last, about 12 o'clock noon, I was on the river wall near the Sandon basin, seeing a crew I had shipped on board the Calhoun, and as the Calhoun got into the river, I saw a screw steamer, which has been built by Messrs. W. C. Miller & Sons, of this town, and called the Phantom, coming down the river, and come alongside the river-wall close to where I was standing, and subsequently she went into the Sandon dock; she appeared as if she had been on a trial trip.

2. I saw on board of the Phantom Mr. Mann, of the firm of Fawcett, Preston, & Co., who supplied and fitted the engines on board the Phantom; Mr. Thomas Miller, one of the firm of W. C. Miller & Sons, who built her. They were on the forecastle giving orders, and Captain Tessier, who is employed by Messrs. Frazer, Trenholm & Co., and a pilot, were on the bridge, the former being in command of the vessel, and giving orders. There were also several men on board in blue uniform, with gilt buttons.

(Signed) JOHN DE COSTA.

Sworn at Liverpool, in the county of Lancaster, this 20th day of May, before me.

(Signed) JAS. THORNELEY,

A Commissioner for taking Affidavits in the Court of Exchequer at Westminister.

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[177] *No. 17.

Mr. Hammond to Mr. Hamilton.[1]

[Pressing.]

FOREIGN OFFICE, *May* 23, 1863.

SIR: With reference to my letter of the 19th instant I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of Her Majesty's treasury, copies of a further letter and its inclosure from Mr. Adams respecting the Phantom,[2] and stating that the Sumter is being prepared for sea.

I am, &c.,

(Signed) E. HAMMOND.

No. 18.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 23, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of to-day's date respecting the Phantom, and stating that you have been informed that the Sumter is being equipped for sea; and I have lost no time in forwarding copies of these papers to the proper departments of Her Majesty's government.

I have, &c.,

(Signed) RUSSELL.

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[1] A similar letter was addressed to the home office.

[2] No. 15.

No. 19.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 27, 1863.

SIR: I had the honor, in my note of the 3d ultimo, to communicate to you the result of the inquiries which had been instituted by Her Majesty's government on the receipt of your letter of the 26th of March, in which you denounced the Phantom steamer as being in course of construction at Liverpool as a vessel of war for the service of the so-styled Confederate States.

The evidence which I was then able to lay before you seemed to show that you had been misinformed in this respect; but as the depositions inclosed in your letters of the 16th, 19th, and 23d instant appeared to call for further inquiry, Her Majesty's government did not lose a moment in causing such further inquiry to be made; and I now proceed to communicate to you the result.

First, with regard to the allegation that the Phantom has port-holes. The collector at Liverpool has obtained from the surveyor a report from which it appears that, though the Phantom has ports on deck, it is evident from their size and situation that they are intended for the escape of water, and not for guns, which the strength of the deck is not sufficient to carry; moreover, the permanent fittings on deck would interfere with the working of guns.

The surveyor adds that in his opinion the Phantom is intended for mercantile pursuits, but whether of a lawful character or for running the blockade there is no evidence to show.

Second. The commissioners of customs, since the date of my last letter, have caused a strict watch to be kept upon the Phantom, but nothing has transpired worthy of special notice; and the several papers in regard to this vessel, including the depositions forwarded by you, having been submitted to the legal adviser of that board, he has reported that there is no evidence to warrant the slightest interference with her. Indeed it is stated that, during a recent interview between that officer and Mr. Squarey, the solicitor of the United States consul at Liverpool, Mr. Squarey admitted that there was no case against the Phantom, and that the recoil of a heavy gun would shake her to pieces.

I am, &c.,

(Signed) RUSSELL.

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[178] *No. 20.

Mr. Arbuthnot to Mr. Hammond.

[Immediate.]

TREASURY CHAMBERS,

May 28, 1863. (Received May 28, 4 p. m.)

SIR: With reference to your letter of 19th instant, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copies of a letter from the board of customs, of a letter from the collector of customs at Liverpool, and of its inclosures, relating to the vessel Phantom, which

is suspected of being intended for the service of the Confederate States of America.

I am, &c.,
(Signed) G. ARBUTHNOT.

[Inclosure 1 in No. 20.]

Mr. Gardner to Mr. Peel.

CUSTOM-HOUSE, *May* 27, 1863.

SIR: With reference to your two letters, dated the 25th instant, inclosing further correspondence on the subject of the vessel Phantom, which is suspected to be intended for the service of the Confederate States of America, and in one of which letters allusion is made to the vessel Gibraltar, formerly the Sumter, suspected of being intended for the same service, I am directed to acquaint you, for the information of the lords commissioners of Her Majesty's treasury, that the solicitor to this revenue has reported that, as regards the Phantom, there is no evidence to show that the vessel is intended to be used as a ship of war against the United States, in the absence of which a seizure on surmise might lead to useless trouble and expense.

I am at the same time to transmit, for their lordships' information, the accompanying copy of a report of the collector of customs at Liverpool, and its inclosures, in reply to the board's inquiries respecting both of the above vessels. The papers which accompanied your letters are herewith returned.

I am, &c.,
(Signed) F. G. GARDNER,
Secretary.

[Inclosure 2 in No. 20.]

Mr. Morgan to Mr. Edwards.

[Extract.]

LIVERPOOL, *May* 26, 1863.

Referring to the deposition of Mr. de Costa, I have no objection to offer to the statement that the steamer Phantom was seen in the river on Tuesday last, removing from the Toxteth to the London graving-dock, with Mr. Mann, (the owner,) Mr. Thomas Miller, (the son of her builder, but not one of the firm,) a pilot, and Mr. Tessier, her master, on board. It is not, however, correct that there were several men on board in blue uniforms with gilt buttons, as stated, the fact being that there was no one on on board so attired. I have no further remarks to offer as to the intentions of the owners concerning her, but I may remark that it is difficult to account for any one at all familiar with the construction and fittings of vessels for warlike service supposing that she is intended for that purpose; for her hull is of the most fragile character that can be conceived for a sea-going vessel, her steel plates being but a quarter of an inch thick, and her iron frame of the same proportion.

She is now laden with one hundred and ninety-four tons of coal, and it is stated that she is bound to Nassau, for which she will leave in two or three days.

It will be in your recollection that Mr. Tessier, her commander, was master of the Bahama, that has the reputation of taking out the armament of the Alabama.

[For inclosures 3 and 4 see correspondence relating to the Sumter.]

179] *No. 21.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 30, 1863.

SIR: With reference to my letter of the 27th instant, respecting the steamer Phantom, I have now the honor further to state to you, as regards the deposition of Mr. de Costa, which was inclosed in your let-

ter of the 23d instant, that Her Majesty's government learn from a report of the surveyor at Liverpool that it is true that that vessel was in the Mersey on the 19th instant, removing from the Toxteth to the London graving-dock, with Mr. Mann, (her owner,) Mr. Thomas Miller, (the son of her builder, but not one of the firm,) a pilot, and Mr. Tessier on board; but that it is not correct that there were several men on board in blue uniform with gilt buttons, the fact being that there was no one on board so attired.

The surveyor further observes that it is difficult for any one at all familiar with the construction and fittings of vessels intended for warlike purposes to account for the supposition that the Phantom is destined for such a service, her hull being of the most fragile character that can be conceived for a sea-going vessel, her steel plates being but a quarter of an inch thick, and her iron frame of the same proportion.

With reference to the Gibraltar or Sumter, which you say you are informed is being prepared for sea, I have the honor to state to you that the report from the surveyor as to that vessel agrees with the information which has reached you so far as relates to her being prepared for sea. He moreover adds that all fittings for warlike purposes have been removed from her since she obtained her British registry, and that he has private information that it is not intended to refit her as a vessel of war.

I am, &c.,
(Signed) RUSSELL.

No. 22.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, May 30, 1863. (Received May 31.)

MY LORD: I have the honor to transmit copies of a letter from the consul of the United States at Liverpool, and of two more depositions relating to the case of the Phantom. I do not presume that they will have any effect in varying the reply already given to my former representations in your lordship's note of the 27th instant. Notwithstanding the report made concerning the objects of that vessel, I greatly fear that she will turn up in America much in the character of the Georgiana. I can only hope, for the sake of the harmony of both countries, that she may meet with the same fate.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 22.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, May 28, 1863.

SIR: I have the honor to inclose you two more affidavits about the steamer Phantom, now in this port. This vessel made another trial-trip on Tuesday, returning yesterday. I am informed she is to be a privateer for the so-called southern confederacy. I am satisfied, from what I hear of this craft, that she will arm either at this or some other port, and cruise against the Government of the United States. The Hamilton referred

to in the affidavits as being on board is John Randolph Hamilton, of South Carolina an officer belonging to the navy of the so-called southern confederacy, sent over here by that government as an assistant to Captain Bullock, to aid in fitting out and
[180] building naval vessels for the insurgents. *Captain Tessier is the same man who took out the armament to the Oreto, now called the Florida, built by the same parties who built the Phantom, and who took out from Liverpool a part of the armament and Captain Semmes to the steamer Alabama. She is to sail on Saturday or Sunday next.

The steamer Sumter, now called the Gibraltar, I understand, is to sail on Sunday or Monday next. I think this vessel will also prove to be a privateer.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

[Inclosure 2 in No. 22.]

Deposition of Henry Redden.

I, Henry Redden, of 16 Hook street, Liverpool, mariner, do solemnly declare and say as follows: I know the steamer Phantom, lately built by Messrs. William C. Miller & Sons at Liverpool. Said vessel went on a trial-trip on Tuesday evening last, the 26th instant, and returned yesterday evening. I was on the Wellington pier when she came in and saw her. I passed the ropes to help her into dock. She was in command of Captain E. L. Tessier, to my own personal knowledge the same man who formerly commanded the steamer Bahama, and who conveyed part of the armament to and assisted to fit out the Alabama, or 290, at Terceira. I was close to said steamer when she came to the pier, and could distinguish any person on board of her and speak with him. There were seven gentlemen on board. I know one of them to be one of the firm of Fawcett, Preston & Co., two of the firm of Fraser, Trenholm & Co., and a small man I heard addressed as Mr. Hamilton. The Captain, Tessier, asked me how I would like to go in the vessel. I told him I would not go. He said she would sail on Saturday night or Sunday morning. He said that to the dock-master in my hearing. The crew on board told me they were engaged for Nassau. That they had been shipped on board the vessel, and not at the Sailors' Home. That they had £4 a month, and one month in advance. Said vessel is adjusting her compasses to-day.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an act made and passed in the sixth year of the reign of his late Majesty William George the Fourth, entitled, "An act to repeal an act of the present session of Parliament, intituled, 'An act for the more effectual abolition of oaths and affirmations taken and made in various departments of the state, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths.'"

(Signed) HENRY REDDEN.

Declared and subscribed at Liverpool the 28th day of May, 1863, before me,
(Signed) J. PEARSON,
A Commissioner to administer Oaths in Chancery in England.

[Inclosure 3 in No. 22.]

Deposition of Matthew Maguire.

BOROUGH OF LIVERPOOL, *to wit:*

I, Matthew Maguire, of Liverpool, in the county of Lancaster, in the United Kingdom of Great Britain and Ireland, commission agent, do solemnly and sincerely declare that on the evening of yesterday, the 27th instant, about 5 o'clock, I saw the steamer Phantom, lately built at this port by Messrs. William C. Miller & Sons, return from a trial-trip, and saw Mr. Mann, one of the firm of Fawcett, Preston & Co., and Mr. Hamilton, an American, who are well known to me, on board of her. There were several others on board, one of whom I believe to be one of the firm of Fraser, Tren-
[181] holm & Co., but am not sure. Captain E. L. *Tessier, who is also well known to me, was also on board said steamer acting as master of her.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an act made and passed in the sixth year of the reign of his late Majesty King William the Fourth, entitled "An act to repeal an act

of the present session of Parliament, intituled 'An act for the more effectual abolition of oaths and affirmations taken and made in various departments of the state, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths.'"

(Signed) MATTHEW MAGUIRE.

Declared and subscribed at Liverpool the 28th day of May, 1863, before me,

(Signed) HENRY C. DUNCAN,

A Commissioner to administer Oaths in Chancery in England.

No. 23.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June* 1, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 10th ultimo, inclosing further depositions respecting the Phantom.

I am, &c.,

(Signed) RUSSELL.

No. 24.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June* 3, 1863.

SIR: With reference to my letter of the 1st instant, I have the honor to state to you that Her Majesty's government have fully considered, in communication with the law-officers of the Crown, the various papers submitted by you, including the depositions inclosed in your letter of the 30th ultimo, relative to the case of the Phantom, together with the information which has been obtained by the board of treasury and by the home office on this same matter, and that it appears to Her Majesty's government that no sufficient evidence has yet been produced to warrant them in taking any action with respect to that steam-vessel.

I am, &c.,

(Signed) RUSSELL.

[183] *SOUTHERNER.

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No. 1.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *April* 11, 1863. (Received April 11.)

SIR: With reference to the previous correspondence on the subject,[1] I am directed by Secretary Sir George Grey to transmit to you herewith, to be laid before Earl Russell, a copy of a letter from the town clerk of Liverpool, inclosing a report of the head constable, of the proceedings in reference to the vessels supposed to be fitting out at that port for the service of the so-called Confederate States.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure 1 in No. 1.]

Mr. Shuttleworth to Mr. Bruce.

TOWN HALL, *Liverpool*, *April* 8, 1863.

SIR: Referring to your communications on the subject of the vessels supposed to be fitting out at this port to act as privateers against the commerce of the United States, and to the reports from the police forwarded to you on the 31st ultimo and 2d instant, I have now the honor, in the temporary absence of the mayor, to inclose a report just received from Major Greig, our head constable, which details the course which has been adopted by the mayor, who has instructed me to forward to you upon all occasions, with the least possible delay, any information which may be received; and this shall be carefully attended to, and the reports, as received from the head constable, forwarded to you at once.

I have, &c.,
(Signed) WM. SHUTTLEWORTH,
Town Clerk.

[Inclosure 2 in No. 1.]

Police report.

LIVERPOOL CONSTABULARY FORCE, CENTRAL POLICE OFFICE,
April 8, 1863.

The head constable has the honor to report, for the information of his worship the mayor, in reference to vessels believed to be fitting out in this port to act against the Federal Government of the United States of America, that on the 28th ultimo, he addressed a communication to the American consul here, of which the following is a copy:

"SATURDAY, *March* 28, 1863.

"SIR: The mayor has placed in my hands a communication which he has received from the secretary of state for the home department, inclosing copy of a letter from the American minister to Earl Russell, who transmits therewith a letter from you to the minister relative to the steamers called the Phantom and the Southerner. As to

[1] See correspondence respecting the Phantom.

the Southerner, 'There is no doubt about this vessel.' I shall cause most careful inquiry to be made in reference to the vessels; but in reference to your words
[186] above quoted, I * should be obliged if you would furnish me with the information on which your belief is founded.

"I am, &c.,
(Signed) "J. J. GREIG,
"*Head Constable.*

"THOMAS H. DUDLEY, Esq.,
"*American Consul.*"

In furtherance of this object the head constable detailed two officers of the detective department to place themselves in communication with the consul, and make diligent inquiry into the matter, the results of which are contained in two reports, forwarded to his worship on the 30th and 31st ultimo. The detective constables continued their inquiries, communicating with the consul daily. On Thursday, the 2d instant, the head constable received a communication from the town clerk, (with inclosures,) of which the following is a copy:

"TOWN-HALL, *Liverpool, April* 2, 1863.

"MY DEAR SIR: Herewith I forward to you original communications received by the mayor this morning from the home office, in reference to certain ships supposed to be fitting out at this port to act as vessels of war against the United States Government. You have previous communications upon the subject of other vessels, and I have only to suggest, on behalf of the mayor, who is temporarily absent, that your utmost vigilance should be exercised in carrying out the views of Her Majesty's government to prevent any breach of the law. Considering the importance of these questions, time does not admit of copies being taken of these communications, and I therefore forward to you the original documents received by the mayor, for which you must please hold yourself responsible, especially as you will observe that the inclosures are required to be returned to the home office.

"Yours, &c.,
(Signed) "WM. SHUTTLEWORTH,
"*Town Clerk.*

"Major GREIG, *&c., &c., &c.*"

[Inclosures.]

"No. 1. April 1, 1863. Letter from Mr. Bruce to the lord mayor.
"No. 2. March 30, 1863. Letter from legation office, United States, to Earl Russell.
"No. 3. March 28, 1863. Letter from American consul, Liverpool, to Mr. Adams, with documents from the collector of customs.
"No. 4. March 28, 1863. Six documents in possession of G. H. Dudley.
"No. 5. March 31, 1863. Letter from foreign office."

Inquiries were continued, and on Saturday, the 4th instant, (in order that every possible attention might be paid to these important matters,) the constable detailed, for this duty, detective constable William Cozins, an officer of great experience in the detective department, whom he personally instructed to devote his whole time and use every effort in obtaining such evidence as would justify the authorities in interfering, for which purpose he placed in his hands the whole of the documents referred to, with directions to read them over most carefully, and then wait upon the town clerk and confer with that gentleman as to the nature and character of the evidence which would be necessary to establish a case against any party concerned for a violation of the law. He was also directed to wait upon the American consul daily, to communicate any information he might have obtained, and to receive and act upon any instructions or suggestions that gentleman might have to offer, and to report daily, in a book kept specially for that purpose, in his own custody, for the information of the head constable. Appended is an epitome of the reports furnished by the officer up to this date.

April 4, (*Saturday.*)—The officer conferred with the two detective constables previously employed, and obtained from them such particulars as they were in possession of respecting the vessels in question. He also inspected the Alexandra, now lying in the Toxteth dock, and the Phantom, lying in the Clarence graving-dock, and finds, from the unfinished state of both vessels, that they cannot proceed to sea for at least several days, and the Southerner has not yet reached this port.

Monday, April 6, 1863.—From instructions received from the town clerk, the officer, in his interview with the American consul this day, asked that gentleman the
[187] * reasons of his arriving at the conclusion that there could be no doubt as to the Southerner, when he stated that he was prepared to produce a gentleman who

will prove that he was told by one of the persons who built the Southerner, at Stockton-on-Tees, that she was built for Messrs. Frazer, Trenholm & Co., of Liverpool, who are well known as the financial agents at this port of the southern confederacy; and the peculiar build of the ship Southerner, as well as her unusual strength, induced Mr. Dudley to believe that she is intended to be used hostilely toward the Federal Government of the United States.

No. 2.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London June 3, 1863. (Received June 3, 8.50 p. m.)

MY LORD: I have the honor to submit to your consideration copies of two depositions relating to a vessel which has been fitting out at Stockton-on-Tees for some purpose not usual in times of peace. This vessel is called the Southerner, and is the same to which I called your lordship's attention in my note of the 26th March last.[1] I think it can scarcely admit of a doubt that she is intended to carry on the same piratical mode of warfare against the commerce of the United States now practiced by the so-called Alabama and the Oreto. The person superintending her equipment appears to be the same who was equally active in the case of No. 290. I therefore feel it my duty to call your lordship's attention to the case, in order that the proper measures may be taken in season to prevent any evil consequences to the peace of the two countries from the escape of such a vessel.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 2.]

Deposition of William Milburn Blackistone.

I, William Milburn Blackiston, of Middlesborough, engineer, do hereby solemnly declare and affirm as follows, that is to say:

That I have passed frequently up and down the river Tees in passenger-boats running between Stockton and Middlesborough, and observed the building and fitting out of a vessel of large size at Messrs. Lockwood & Pearse's yard, in Stockton-on-Tees, and a rumor being quite common that the said ship was being built for the southern confederacy, I was led to observe more closely the building and fitting out of the said vessel from time to time. On the 25th May I observed that there had been cut on each side of the bulwark amidships, that is between the fore-poop and the after-poop, five square holes about 18 inches square, in each of which had been fitted a hinged flap of iron, so that, when closed, at a distance of 100 yards nothing particular could be observed. On the same day I passed the vessel in one of the river steamers, one of the said flaps was up, and pointing its nose out of the hole was a gun mounted on a carriage; to all appearance this gun was about a 4-inch bore. I had been previously told by a person whom I believe to be credible and well informed, "that twelve guns had come for her." On the 15th May, when I was at Stockton, I observed that there was painted on her stern, in white letters, "The Southerner, Liverpool;" but on the 25th of the said month that had been supplanted by an elaborate piece of carved work, on which was cut the name "The Southerner, Liverpool," above, and in the center of the inscription there was "Palm Tree," in green and gilt. On the 30th May I went on board this same vessel, in company with Mr. J. B. Langley, of London. I was present during a conversation between that gentleman and Mr. Younger, the manager for Lockwood and Pearse. I heard Mr. Younger say that "those were the arms of the Confederate States"

[1] See papers respecting the Phantom, No. 1.

on the cabin window, and that there were views of Savannah on the other. Mr. Younger said that "Captain Butcher," who is reported to be the agent for the Confederate States of America, "was to take charge of her" (meaning the vessel) "as
[188] commander in the first *instance." I saw her engines, being direct-condensing engines, with two multitubular boilers. Mr. Younger told me that they were 300-horse power, upon which I remarked that they seemed to be small power for a vessel of her size; in reply, he observed, that she was intended to navigate shallow waters, and that power did not increase speed. I had been previously informed that a large quantity of charcoal had been consigned to a hosier in the town of Stockton, the charcoal, however, being really intended for the use of this vessel, and should this be the fact. I know that it could be used with the boilers I saw for the purpose of rapidly raising steam without any smoke. I observed two or more steam-cranes on the upper deck. In the cabins aft I saw the wash-hand basins, marked with the "Palm-Tree," and the letters "C. S. C.," which I understood to mean confederate screw-cutter. I saw on the windows of the cabin transparencies representing what I believe to be arms of the State of South Carolina, the British arms, and a view of Savannah; also a picture of a turret with two flags, the one being the confederate banner, the other the British ensign. I saw two guns on board mounted on carriages. I had also a conversation with one of the workmen on board the ship, who told me that she had 200 tons of pig-iron on board as ballast. I asked him if he thought that the two guns I had seen were sufficient for a ship of her size, and his answer was, "that everthing was kept very quiet, but no doubt she would take more guns on board when she got out to sea, as the other one had done." I understood him to mean the Alabama by the other one, as Captain Butcher had been named as the commander of that vessel. I asked him if Captain Butcher spent much of his time on board the Southerner, and he replied, that "for the last month he had spent the greater part of his time on the vessel." He said also that Captain Butcher had engaged the greater part of his crew, and that some of those who had served under him before were engaged to go with him again. I believe that the ship is intended to go away from Stockton-on-Tees on Tuesday evening to Hartlepool, for the purpose of having her compasses adjusted.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of an act made and passed in the session of Parliament of the fifth and sixth years of the reign of his late Majesty, King William IV, entitled "An act to repeal an act of the present Parliament, intituled an act for the more effectual abolition of oaths and affirmations, taken and made in various departments of the State, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits, and to make other provisions for the abolition of unnecessary oaths."

(Signed) WILLIAM MILBURN BLAKISTONE.

Subscribed and declared at Stockton, in the county of Durham, the 2d day of June, 1863, before me.

(Signed) JOS. DODDS,

A Commissioner to administer Oaths in Chancery, in England.

[Inclosure 2 in No. 2.]

Deposition of John Baxter Langley.

I, John Baxter Langley, surgeon and journalist, do hereby solemnly declare that on Wednesday, the 30th day of May, I was in Stockton-on-Tees, and that I went on board a vessel lying beside the ship-building yard of Pearce, Lockwood & Co. This ship was about 320 feet long and had the name "Southerner, Liverpool" painted in gilt letters on her stern. She was an iron screw-steamer, which I judged to be from 1,800 to 2,200 tons register. In the cabins I saw porcelain basins, marked with a palm-tree, and the letters C. S. C., which I understood to mean confederate screw-cutter. The same day I saw a hole being cut in her side, and judged that her iron-plating above the water-line was about 2 inches in thickness. A workman employed on board of the ship told me that the vessel had plates of unusual thickness above the water-line. It was notorious in Stockton, at this time, that the vessel was intended to be used "as another Alabama." I was informed, moreover, that Captain Butcher, late of the Alabama, was superintending the building of the ship; and the workmen in the yard told me that he was frequently on board of her superintending the work. I also declare that I was again in Stockton-on-Tees, on Saturday, May 30, and that I noticed
[189] further, that the *vessel in question had had five square holes, corresponding to her deck amidships, cut in her side, and suitable for guns to be worked on her deck amidships. I also declare that I went on board the vessel on that occasion and entered into conversation with Mr. Younger, the manager of the works, who stated

that the arms of the Confederate States were on the cabin window on one side, and views of Savannah on the other. He said that the vessel was intended to carry cotton from Charleston, and that Captain Butcher was to take charge of her as commander in the first instance. He said she was also to carry passengers between Liverpool and Charleston. I went over the vessel, and again observed the emblems on the porcelain in the aft-cabin, and that the cabin windows had transparencies on the windows as follows: No. 1, two ovals, on the right a palmetto with fasces and axes crossed at the foot, with a garter and motto around it as follows: "South Carolina, *Animis opibusque parati.*" On the left oval, an emblem of a female presenting a cotton plant, or something of the kind, with the motto, "*Dum spiro, spero,*" and "*Spes.*" On the window No. 2, facing this, is the British royal arms. No. 3 is a picture which I take to be that of Charleston, with a fortification in the foreground, from which floated two large flags, the one being that known as the confederate banner, and the other the Union Jack. On window No. 4 was a picture which I take to be that of Savannah, with a battery and gun in situation in the foreground. I saw two guns, marked "G. S. Hall, S. 18," on board. I supposed them to be about 18-pounders. Opposite the ports were rings, which I supposed to be intended to work the guns. In some cases the rings have been removed from the sockets. I went down into the hold also. One of the workmen on board told me that Captain Butcher was superintending the building of the vessel, and that he spent the greater part of his time on board, and had done so for more than a month. He said that it was quite understood that the ship was to take other guns on board from some vessel which was to meet her at sea. He said, also, that Captain Butcher had engaged his crew, and that some of those who had gone with him before were engaged to go with him again. I was also informed on the same day that a cargo of charcoal was to be put on board the Southerner so as to give off no smoke from her funnel. Mr. Younger, the manager, stated that the vessel would sail from the Tees on Tuesday evening or Wednesday morning. A common rumor states that she will leave the river on Tuesday night, and that she will stop at Middlesborough till the following day; after which she will go to Hartlepool and have her compasses rectified. Other reports say that she is to go direct to Liverpool, and there take in her crew. From what I have heard and seen, I am of opinion that the ship in question is intended for the Confederate States as a privateer, and that she is not for the purpose for which she is ostensibly constructed. I believe that the extensive space below and between decks is intended to contain and receive the cargoes of merchant-vessels seized by this Southerner.

On Monday, the 1st June, I went to the ship-yard of Messrs. Lockwood, Pearce & Co., and inquired for Captain Butcher. The watchman at the gate told me that "he had not seen him that morning yet, but that he might have come in through the office and gone on board the ship." I went to the office and saw a clerk there, who said that it was about Captain Butcher's time, and that if I walked up toward his lodgings I should probably meet him. He told me the way he ususully came down. I understood him to say that Butcher was there regularly every day. I then went up to the place where I was told that Butcher lodged and asked for him. I was shown in to him, and inquired whether he would have any objection for me, as a reporter connected with the London press, to go on board when she went on her trial-trip from Hartlepool on Wednesday. He said, in reply, "I should not have the smallest objection, but I do not take charge of the vessel until she is quite complete." I stated that I had understood that he was in command of the ship, to which he replied, "Yes, that is quite right; but I do not like to take any responsibility until the ship is finally delivered over to me," or words to that effect. He said further, that he would speak to the builders about the matter, and that he would meet me on board the Southerner at 1 o'clock. I went down to the quayside before 1 o'clock, and saw Captain Butcher on board the Southerner. I thought from what I saw that he was giving orders to men on board. I saw several of the men touch their hats to him. When I went into the yard I was told that "Captain Butcher was on board the big ship," and I found him on the aft-poop, where I had previously seen him. He recognized me again, and spoke to a gentleman who I understood to be one of the builders, either Mr. Pearce or Mr. Lockwood. He said, "Come this way, and I will introduce you." I spoke with them both, and I heard the gentleman say to Captain Butcher, "I would not allow any one to go with you down the river." Then turning to me, he said, "We shall send
– down a train from this very early—starting about 5 o'clock—and you can join
[190] us if you like." I said that I should *probably go to Hartlepool, and he then said, "Well, the harbor-master knows all about it; a vessel will be sent out from West Hartlepool about 6 in the morning." I asked Captain Butcher to give me his card as a pass, and he did so. Captain Butcher and Mr. Pearce (?) then joined some visitors who were in the aft-cabin, and I joined them. One of the ladies asked, "What was the meaning of the C. S. C. on the plates and dishes and basins?" The gentleman said that it was not known; that it might be "Charleston Steam Company," or "anything else," and then laughed in a manner which led me to suppose that he knew more than he was inclined to tell. In reply to the same question, Captain Butcher said

that "it might mean Confederate Steam Cnmpany, or Charles Spence & Company, or anything else." He laughed when he said this in the same manner in which the other gentleman had done. On the same day I went to a photographer's, named Guttenburgh, and there saw a picture of Captain Butcher taken in the dress of a naval officer. I had seen a cap such as the picture represented hanging up in his lodgings. The buckle and buttons of the uniform bear the emblem of the southern confederacy—the Palmetto. There are also letters on the buckle which, however, are not easily legible. I had heard that Captain Butcher was distributing these *carte de visites* among his friends and I purchased one. I can declare it to be a correct likeness of Captain Butcher, and I am told that the uniform is that of the Confederate States navy. And I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of an act made and passed in the session of Parliament of the fifth and sixth years of the reign of his late Majesty King William IV, intituled "An act to repeal an act of the present session of Parliament, intituled 'An act for the more effectual abolition of oaths and affirmations taken and made in various departments of the state, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extra-judicial oaths and affidavits,' and to make other provisions for the abolition of unnecessary oaths."

(Signed) J. BAXTER LANGLEY.

Subscribed and declared at Stockton, in the county of Durham, this 2d day of June, 1863, before me.

(Signed) JOS. DODDS,
A Commissioner to administer oaths in Chancery, in England.

No. 3.

Mr. Hammond to Mr. Hamilton.[1]

FOREIGN OFFICE, *June* 4, 1863.

SIR: I am directed by Earl Russell to request that you will move the lords commissioners of Her Majesty's treasury to give immediate directions by telegraph to the proper authorities at Stockton-on-Tees, Middlesborough, Hartlepool, and Liverpool, to pay particular attention to a vessel called the Southerner, which appears to have been fitting out at Stockton, and which may, perhaps, even have left that port for one of the ports named, but which, from information received from Mr. Adams, and which shall be communicated to you as soon as the papers can be copied, there seems strong reason to suspect is designed to be employed in the naval service of the Confederate States; and if any reasonable ground should appear to justify interference, the authorities should be directed to take such steps as can legally be taken to prevent any violation of the law.

I am, &c.,
(Signed) E. HAMMOND.

No. 4.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June* 4, 1863.

SIR: Your letter of yesterday respecting the Southerner was, unfortunately, not delivered at the foreign office till 8.50 p. m., some time after the business of the day was ended and the office closed.

[191] *I have, at the earliest possible hour this morning, communicated with the treasury and home department, and I have requested that

[1] A similar letter was addressed to the home office.

orders may at once be sent by telegraph to the proper authorities to pay immediate attention to the circumstances set forth in your letter.

I am, &c.,
(Signed) RUSSELL.

No. 5.

Mr. Hammond to Mr. Hamilton.[1]

FOREIGN OFFICE, *June* 4, 1863.

SIR: With reference to my letter of this morning, I transmit to you herewith, to be laid before Secretary Sir G. Grey, a copy of the letter from Mr. Adams, with the depositions in the case of the Southerner therein referred to.[2]

I am, &c.,
(Signed) E. HAMMOND.

No 6.

Mr. Sinclair to Earl Russell.

51 PICCADILLY, *Manchester, June* 5, 1863. (Received June 6.)

MY LORD: I inclose you a letter from the Rev. W. Bontems, of Hartlepool, informing us that the Southerner, built at Stockton for Messrs. Fraser and Trenholm, of Liverpool, the so-called Confederate States depositaries, has entered West Hartlepool docks, and is evidently ready for sea. Whether she is a war-steamer or not, she is for the so-called confederate service, and carries the South Carolina flag, and her cargo will, in all probability, be such as is suited to a hostile power acting against one we profess to be in friendship with. I enter not upon questions which more appropriately belong to you than to me, but remind you that this is one of the fleet you were informed of as preparing for the so-called confederacy in January last. Prudential considerations may lead them to abstain from putting on board in English harbors or waters of material of war, but that outside of them there will be an armament of this vessel there can be no doubt.

There is, however, another vessel building as a vessel of war at the building-yard of Messrs. Thomson's, of Glasgow. This vessel is known to be for the so-called confederate government, and it seems to me it is the duty of our officers to obtain for you the proof of what is known and talked about openly—most ostentatiously, we are told in the press—that Captain Semmes of the Alabama is to transfer his flag on board of this ship, while Captain Maffit of the Florida is to have the Alabama, and Captain Bullock is to command the Florida.

I have thought it my duty to say that this vessel is all but ready for sea, is publicly talked about in Glasgow as the most formidable craft yet built in this country for the so-called confederacy, and that she is all but ready for sea; if she has not been stopped, she ought to be.

That you may be enabled to take such steps as justice and fair deal-

[1] A similar letter was addressed to the home office. [2] No. 2.

ing to a friendly people dictate, and without delay, and so preserve our country from a betrayer of the cause of liberty, is the sincere desire of your, &c.

(Signed) P. SINCLAIR.

[Inclosure in No. 6.]

The Rev. W. Bontems to the secretaries of the Union and Emancipation Society.

WEST HARTLEPOOL, *June* 3, 1863.

GENTLEMEN: I have just come over to this place from Hartlepool and seen the Southerner, a new iron screw-steamer of some 2,000 tons, enter the docks. She was built at Stockton, and is said to be for the Confederate States. She carries the South Carolina flag; where she is bound for when she leaves, and when she leaves, I cannot learn. It is said that she is to go from this place to Liverpool, but perhaps this is only a ruse.

[192] *This is all I know about the matter. If the information is of any service I shall be glad; if not, no harm is done.

Yours, sincerely,

(Signed) W. BONTEMS.

No. 7.

Mr. Hammond to Mr. Hamilton.[1]

[Immediate.]

FOREIGN OFFICE, *June* 6, 1863.

SIR: With reference to my letter of the 4th instant, I am directed to transmit to you, to be laid before the lords commissioners of Her Majesty's treasury, the accompanying copies of a letter and its inclosure from the Union and Emancipation Society,[2] containing particulars respecting the Southerner, and having reference also to another vessel stated to be building at Glasgow for the service of the so-called Confederate States.

I am, &c.,

(Signed) E. HAMMOND.

No. 8.

Mr. Hammond to Mr. Sinclair.

FOREIGN OFFICE, *June* 6, 1863.

SIR: I am directed by Earl Russell to acknowledge the receipt of your letter of the 5th respecting the vessel Southerner, said to have been built at Stockton for the service of the so-called Confederate States, and also containing information respecting a vessel which is being constructed at Glasgow for a similar object.

I am, &c.,

(Signed) E. HAMMOND.

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[1] A similar letter was addressed to the home office. [2] No. 6.

No. 9.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS, *June* 8, 1863. (Received June 8.)

SIR: With reference to your letters of the 4th instant, and their inclosures, respecting the alleged equipment of the Southerner for the service of the Confederate States, I am desired by the lords commissioners of Her Majesty's treasury to transmit, for the information of Earl Russell, copy of a report and of its inclosure, dated the 5th instant, from the commissioners of customs.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 9.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *June* 5, 1863.

SIR: With reference to your letter of yesterday's date, transmitting a letter received from the foreign office on the subject of a vessel called the Southerner, which is represented to have been fitting out at Stockton-on-Tees for the service of the Confederate States of America, I am directed to acquaint you, for the information of the lords commissioners of Her Majesty's treasury, that on receipt of your letter, the board at once communicated with the solicitor, and upon his recommendation a telegram was forwarded to the collectors of customs at Stockton and Middlesborough-on-Tees, and to West Hartlepool and Liverpool, to which port it was stated the vessel was to proceed, with directions as follows:

"Watch the vessel Southerner, if at your port; report any suspicious circum-
[193] stances; *and, if there be any legal proof of a violation of foreign-enlistment act, delay the vessel, or, if necessary, detain her for the directions of the board."

And I am to transmit to you the accompanying copy of a letter from the collector at Stockton respecting the vessel, which it appears has proceeded to Hartlepool, but as the board have received no report from the collector at that port, a special letter will be sent to him by this post calling for the necessary report of his proceedings, which will be communicated to their lordships.

I am at the same time to acknowledge the receipt of the further papers relating to the Southerner, which were received from the treasury last evening, and I am to state that the board having communicated with their solicitor thereon, that officer has reported that, in his opinion, no steps can be taken as the case at present stands, unless further evidence shall be obtained from Hartlepool.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 9.]

Mr. Rodd to Mr. Gardner.

CUSTOM-HOUSE, *Stockton, June* 4, 1863.

SIR: I beg to acknowledge the receipt of your telegram of to-day in reference to the steamship Southerner, and to inform you of her having left this port for West Hartlepool on Tuesday last, for the purpose of adjusting her compasses, &c., prior to leaving this part of the kingdom for, it is said, Liverpool.

Should you think it necessary to communicate with the collector at West Hartlepool on the subject, you will, I imagine, have ample time to do so prior to her leaving that port, as I understand she will require two or three days to take on board about 400 tons of coals for fuel, and as much pig-iron for ballast.

Although this vessel has been very frequently referred to in the newspapers as another of the confederate privateers, my own belief is that she is not so intended.

She appears to me to be calculated for neither running nor fighting; but is certainly a very superior merchant-ship, built, I should say, expressly for carrying bales of cotton.

The owners appear to me to have calculated, when they contracted about twelve months ago for building her, that the stock of cotton in America would have been, from some cause or other, released ere now: and, as freights upon the article would have ruled high for fast vessels, they doubtless expected to reap great profits; for the present, however, they would seem to have been disappointed. And I understand that a sister-ship, built in the Tyne for the same parties, has, for want of more profitable employment, been sent to Alexandria on some miserably low freight.

The Southerner performed her trial-trip yesterday; and I am told that her greatest speed, without cargo, was about 10 knots, and sometimes approaching to 11.

I remain, &c.,
(Signed) H. RODD.

No. 10.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *June* 8, 1863. (Received June 9.)

SIR: With reference to your letter of the 4th instant, respecting a vessel called the Southerner, I am directed by Secretary Sir George Grey to transmit to you, for the information of Earl Russell, a copy of a letter from the mayor of Stockton, stating that the vessel had left that place for Hartlepool, and will go thence to Liverpool, where the parties on whose account she has been built reside.

I am, &c.,
(Signed) H. WADDINGTON.

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[194] [*Inclosure in No. 10.]

Mr. Laing to Sir G. Grey.

STOCKTON, *June* 6, 1863.

SIR: I have made the inquiries requested in the communication of Mr. Waddington, under date of the 4th instant, relative to the vessel built here by Messrs. M. Pearce & Co., called the Southerner, and find that that vessel has left this place for West Hartlepool, and, I am informed, will leave there to-morrow or next day for Liverpool, where the parties on whose account she has been built reside.

I know that the vessel, during her stay here, was freely open at all times to the public for inspection; and I do not believe from what I have heard, and also from my own observations, that she is any way fitted as a ship of war; nor, from her form and mode of construction, do I think (and I speak as a ship-owner) she is adapted for that purpose, but believe her to be more suitable for that for which the builders have always stated she was constructed, viz: one of a line of packets trading between Liverpool and Charleston, and built in anticipation that the war would have been ended before this, and Charleston open for commerce.

I called at the photographers and saw the *carte de visite* of Captain Butcher, (referred to by Mr. Langley,) taken in the uniform of the royal naval reserve, in which, I believe, he holds a commission. I may just notice that portion of Mr. Langley's deposition relative to the plates being about 2 inches thick. On this point his credulity must have been played upon, as I never saw anything thicker than ¾ or ⅞ inch plates, except where the strengthening plates are placed in addition to the ordinary ones, as required by the Liverpool underwriters for vessels of her size and class. I return the documents herewith, and have, &c.,

(Signed) JOSEPH LAING,
Mayor.

No. 11.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS, *June* 8, 1863. (Received June 8.)

SIR: With further reference to your letters of the 4th instant respecting the alleged fitting of the Southerner for the service of the Confederate States, I am desired by the lords commissioners of Her Majesty's treasury to transmit, for the information of Earl Russell, copy of a report and of its inclosures, of this day's date, from the commissioners of customs.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 11.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *London*, *June* 8, 1863.

SIR: With reference to my letter of the 5th instant, on the subject of a vessel called the Southerner, which is reported to have been fitted out at Stockton-on-Tees for the service of the Confederate States of America, I am now directed to transmit, for the information of the lords commissioners of Her Majesty's treasury, a copy of a report received this morning from the collector of customs at West Hartlepool, respecting the vessel in question; and I am to state that the board have called upon that officer for his further report, adverting to the allegations contained in the several papers received by their lordships through the Foreign Office, and that they will acquaint their lordships with the result.

I am, &c.,
(Signed) F. G. GARDNER.

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[195] *[Inclosure 2 in No. 11.]

Mr. Mackenzie to Mr. Gardner.

CUSTOM-HOUSE, *West Hartlepool*, *June* 6, 1863.

SIR: With reference to your telegram of the 4th, and your letter of yesterday's date, respecting the vessel Southerner, I beg to report that the vessel in question arrived here on the afternoon of the 3d instant from Stockton. She is a screw-steamer of about 2,000 tons and 300 horse-power. She has recently been built at Stockton for a firm in Liverpool, Fraser, Trenholm & Co., and is fitted up in the ordinary way as a merchant-vessel. There is nothing about her to indicate that she is intended for warlike purposes.

She has been closely watched since her arrival, but no circumstances whatever of a suspicious nature have transpired in regard to her. Her principal object in coming here was to have her compasses adjusted, which has now been done. After she has taken on board some coals, it is said that she is to proceed to Liverpool.

On her arrival from Stockton, she had nothing on board except a quantity of pig-iron for ballast. Due vigilance will continue to be observed, and should there be any matter to require my doing so, respecting this vessel, before she leaves the port, I will not fail immediately to communicate with the board. It is said that she will not leave before Thursday next.

I am, &c.,
(Signed) J. MACKENZIE,
Collector.

No. 12.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *June* 8, 1863. (Received June 9.)

SIR: With reference to your letters of the 4th instant, I am directed by Secretary Sir George Grey to transmit to you herewith, to be laid before Earl Russell, copies of letters from the mayor of Hartlepool and town clerk of Middlesborough, stating that the vessel Southerner is in the port of Hartlepool; together with a copy of a report of the head constable of Liverpool, relative to the steamer Gibraltar, late Sumter, and stating that the Southerner is expected to arrive at that port on or about the 9th instant.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure 1 in No. 12.]

Mr. Gray to Mr. Waddington.

HARTLEPOOL, *June* 5, 1863.

SIR: In reply to your communication of the 4th instant, I beg to inform you that the vessel Southerner, recently built at Stockton-on-Tees, left the Tees on Wednesday last for a trial-trip, and came into this port in the afternoon of that day, and that she is still here.

From inquiries I have made, I believe that the Southerner is not fitted out as, nor is she adapted for, a vessel of war. I take this opportunity of stating that for several years we have had no American consul at this port, and that should the American Government be disposed to appoint a representative here, Mr. C. Neilson, a gentleman who has been established many years as a coal and general merchant, will be glad to accept the appointment.

I remain, &c.,
(Signed) WM. GRAY,
Mayor of Hartlepool.

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[196] *[Inclosure 2 in No. 12.]

Newspaper extract.

THE SOUTHERNER.—The departure of the big ship, as she has been termed, from the River Tees, at Stockton, on Tuesday afternoon, after being fitted up, was witnessed by about as many persons as saw her launched on the 7th of March last. Considerable interest has been evinced during the time of rigging; and, through the kindness of her builders, (Messrs. Pearse & Lockwood,) hundreds of persons have visited and inspected her within the last few days. The vessel presented a gay and majestic appearance as she was towed down the river, with her numerous colors flying. The burgee on the mainmast represented the palmetto, a species of American palm-tree which grows in the Southern States, and the name of the vessel Southerner. The mizzenmast had a similar representation on a white flag, and from the top of the royal-mast a string of English colors waved to the deck. The cabins of this vessel are fitted up with every convenience for the comfort of passengers, with accommodation for about 200. The four panelings on the end of the sky-light are of colored glass. One represented the English coat of arms and the southern coat of arms; the others a beautiful view in one of the Southern States, and also a fort in the sea. The stern outside is elaborately carved with a representation of the tobacco and cotton plants interwoven and embellished with the palmetto and the name of the vessel. In addition to her own steam, she was towed down the Tees by three tugs. On Wednesday morning she proceeded on a trial-trip from Hartlepool, with a select company of ladies and gentlemen on board, who had gone by special train from Stockton that morning. The engines worked most satisfactorily, and the speed attained was twelve knots an hour. About seventy-five ladies and gentlemen partook of dinner in the

saloon about 1 o'clock, which was followed by loyal and local toasts and songs. The run was nearly to Scarborough, and the vessel returned to Hartlepool about 4 o'clock in the afternoon, the company having had pleasant weather and no untoward circumstance to mar the pleasure of the trip. Captain Butcher, her future commander, was on board.

[Inclosure 3 in No. 12.]

Mr. Peacock to Mr. Waddington.

TOWN CLERK'S OFFICE, *Middlesborough, June* 5, 1863.

SIR: I am desired by the mayor to acknowledge the receipt of your letter of the 4th instant, and to inform you that the Southerner passed this port on Wednesday afternoon last, on her way down the River Tees, and that she is now at West Hartlepool.

I am, &c.,

(Signed) JNO. PEACOCK,
Town Clerk.

[Inclosure 4 in No. 12.]

Police report.

LIVERPOOL CONSTABULARY FORCE, CENTRAL POLICE OFFICE,
Friday, June 5, 1863.

The head constable has the honor to report, for the information of his worship the mayor, that he has caused inquiry to be made relative to the matters contained in two declarations forwarded to his worship from the home office (herewith together with a communication from the United States minister, referring to the declarations, and a communication from the home office in reference to the Southerner, returned) respecting the screw-steamer Gibraltar, late Sumter, now taking in cargo in the Clarence basin, and begs most respectfully to submit the following particulars:

The detective constable who has been specially employed on this particular duty has for some time past been keeping a watch on the Gibraltar from the time of her taking in coals while lying in the Great Float at Birkenhead up to the present date. He has seen machinery put on board, apparently parts of very large gun-carriages, some of which were in cases, and he has reason to believe that it must have been something of the kind seen by the dock gateman, as mentioned in Captain Markham's declaration.

[197] * He has received information upon which he can rely that one of the two large guns about to be sent out in the Gibraltar is at present in the hands of the manufacturer here, and that by to-morrow evening he expects to be in possession of information as to where the other large gun is. He has reason to believe that the destination of the Gibraltar is Nassau.

Respecting the Southerner, he has received information that she is expected to arrive here on or about the 9th instant, and that she will be in charge of Captain Butcher, the same person who took the Alabama from this port.

(Signed) J. J. GREIG.

No. 13.

The law-officers of the Crown to Earl Russell.

[Pressing.]

TEMPLE, *June* 9, 1863. (Received June 9.)

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 4th instant, stating that he was directed by your lordship to transmit to us therewith, for our immediate consideration, a letter from Mr. Adams, the American minister at this court, inclosing depositions respecting a vessel called the Southerner, suspected of being fitted out for the naval service of the Confederate States; that these papers have been sent to the treasury and home department, with a request that instructions may be sent by telegraph to the proper

authorities, at the places specified in the depositions, to pay particular attention to the vessel; and, if there seem any reasonable ground for interference, to take such steps as can legally be taken to prevent any infringement of the law; but Mr. Hammond was to request that we would communicate to your lordship, at our earliest convenience, for the guidance of those two departments, our opinion upon the course which can be pursued in the case as set forth in the inclosed papers.

In obedience to your lordship's commands we have taken this case into consideration, and have the honor to report—

That we are of opinion that the evidence, such as it is, of Langley (whose very singular description is "surgeon and journalist") and Blakiston would not support a charge that the Southerner is so equipped, or fitted out, or destined, as to constitute a breach of the provisions of the foreign-enlistment act; and that they are not, therefore, sufficient to warrant Her Majesty's government in ordering the arrest of this ship.

We think it would be expedient to represent to Mr. Adams, that by far the greater portion of the two depositions which he has forwarded contain hearsay matter, or statements of mere belief, which, equally according to the American and British law, are inadmissible in the court of justice, and upon which, therefore, the government of Her Majesty could not legally act.

The only points of any materiality, to use a legal expression, are the facts that the vessel had two guns on board, and perhaps (but this does not seem quite certain) that she had port-holes for more; and that Captain Butcher was actively concerned in her fitting out.

But the guns are only two 18-pounders, which Blakiston himself appears to consider inadequate for a privateer, and not unfit for a merchant-vessel to carry.

The information which Langley states that he received on board the vessel, was to the effect that she was destined to carry on commerce between the Confederate States and Great Britain. Blakiston does not appear to have heard anything, from any person whose statements could be evidence, which tends to show any illegal purpose. The name, devices, and decorations spoken of are consistent with a commercial destination.

We cannot advise your lordship that there is at present evidence sufficient to justify the seizure of the vessel, though the circumstances are suspicious, and it may be desirable that she should be watched, as far as the law permits, in order that if other circumstances should be discovered, supported by proper evidence, and capable of proper proof, tending to show that her equipment and destination are unlawful, orders may be given for her detention.

We have, &c.,

(Signed) WM. ATHERTON.
R. PALMER.
ROBERT PHILLIMORE.

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[198] *No. 14.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *June* 10, 1863. (Received June 10.)

SIR: With reference to my letter of the 8th instant, I am directed by Secretary Sir George Grey to transmit to you, for the information of

Earl Russell, a copy of a further report, which has been received from the mayor of Hartlepool on the subject of the vessel Southerner.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure in No. 14.]

Mr. Gray to Sir G. Grey.

HARTLEPOOL, *June* 8, 1863.

SIR: I had a communication from Mr. Waddington, dated the 4th of June, respecting the vessel Southerner, to which I replied under date of the 5th. I have since been informed and believe that Captain Butcher, who took the Alabama and Oreto to sea, is at present in command of the Southerner, and that she is owned by Messrs. Fraser, Trenholm & Co., of Liverpool.

I am also informed that she has two guns at the least on board, and that she has ten port-holes.

The Southerner is in that portion of the port of Hartlepool called West Hartlepool, which is beyond the jurisdiction of the magistrates of this borough, the town of West Hartlepool being governed and regulated by improvement commissioners, and the magisterial business there being conducted by the magistrates for the county of Durham, viz: Rev. J. A. Park, Elwick; Rev. W. G. Harrison, Hart; S. Robinson, esq., Hartlepool; J. P. Denton, esq., Hartlepool; Thomas Richardson, esq., Hartlepool.

The collector of customs for the port is J. Mackenzie, esq., residing at West Hartlepool.

I remain, &c.,
(Signed) WILLIAM GRAY,
Mayor of Hartlepool.

No. 15.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS, *June* 10, 1863. (Received June 10.)

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you the inclosed copy of a letter which has been received from the commissioners of customs on the subject of the vessel Southerner, alleged to be fitting out for the Confederate States of America, together with its inclosures, for the information of Earl Russell.

I have, &c.,
(Signed) GEO. A. HAMILTON.

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[199] *[Inclosure 1 in No. 15.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *June* 9, 1863.

SIR: With reference to my letters of the 5th and 8th instant, I am directed to transmit to you the inclosed copy of a declaration of the United States consul at Newcastle, made before the collector of this revenue at West Hartlepool, respecting the vessel Southerner, with a copy of the collector's report thereon, dated the 8th instant, received this afternoon; and I am to state that the solicitor of this department, with whom the board have communicated on the subject, has reported that there is no evidence in the declaration to warrant the slightest interference with the vessel.

I am, &c.,
(Signed) F. G. GARDNER, *Secretary.*

[Inclosure 2 in No. 15.]

Declaration of Mr. McChesney.

I, J. H. McChesney, United States consul at Newcastle-upon-Tyne, do solemnly and truly declare that one of the under officers of the steamer Southerner, now in the docks of West Hartlepool, and soon to go to sea, informed me yesterday that said steamer is under the command of Captain Butcher, and is to go to sea under his command.

That two other parties now employed on said steamer also informed me that said Captain Butcher is the present commander of the Southerner.

That I have good evidence to believe that said Captain Butcher has been employed in fitting out and taking to sea two privateers to prey upon the American commerce, and that this is, and has been for some time, his chief employment.

That said steamer is owned by Fraser, Trenholm & Co., of Liverpool, well known to have been largely engaged in fitting out vessels for unlawful purposes.

That these, with many other strong circumstantial proofs, furnish strong evidence that the Southerner is intended for a privateer.

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the provisions of an act made and passed in the fifth and sixth years of the reign of His Majesty King William IV, intituled "An act to repeal an act of the present session of Parliament, intituled 'An act for the more effectual abolition of oaths and affirmations taken and made in various departments of the state, and to substitute declarations in lieu thereof, and for the more entire suppression of voluntary and extrajudicial oaths and affidavits,' and to make other provisions for the abolition of unnecessary oaths."

(Signed) J. H. McCHESNEY,
United States Consul.

Declared before me this 6th day of June, 1863, at the custom-house, West Hartlepool.

(Signed) J. MACKENZIE, *Collector.*

[Inclosure 2 in No. 15.]

Mr. Mackenzie to the commissioners of customs.

CUSTOM-HOUSE, WEST HARTLEPOOL,
June 8, 1863—5.30 p. m.

HONORABLE SIRS: The accompanying affidavit has just been made before me by Mr. McChesney, the United States consul at Newcastle, respecting the vessel Southerner. As its statements are urged by Mr. McChesney as grounds for the detention of the vessel, I transmit the document for your honor's consideration and directions; but
[200] beyond what is therein *alleged, I know of no circumstance to justify suspicion that the vessel is to be employed as a privateer for the Confederate States.

I am, &c.,
(Signed) J. MACKENZIE.

No. 16.

Mr. Hammond to Mr. Hamilton.

[Pressing.]

FOREIGN OFFICE, *June* 11, 1863.

SIR: I am directed by Earl Russell to request that you will acquaint the lords commissioners of Her Majesty's treasury that as it appears that the Southerner may shortly be expected at Liverpool, his lordship considers that it would be right and proper, under the circumstances of the case, that the vessel should be minutely examined by some person who is fully conversant with the fitting-up of vessels for belligerent purposes; and he accordingly recommends that the board of treasury should apply to the admiralty to appoint some duly qualified admiralty sur-

veyor to examine the Southerner, and to report without delay whether there is anything in her construction and equipment which can furnish a reasonable ground for interfering with her under the foreign enlistment act.

I am, &c.,
(Signed) E. HAMMOND.

No. 17.

Mr. Peel to Mr. Hammond.

TREASURY CHAMBERS, *June* 11, 1863. (Received June 11.)

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copies of a letter from the commissioners of customs, and of a report of the collector of customs at Hartlepool, respecting the vessel Southerner, which is stated to be fitting out for the service of the Confederate States of America.

I have, &c.,
(Signed) F. PEEL.

[Inclosure 1 in No. 17.]

Mr. Gardner to Mr. Hamilton.

[Extract.]

CUSTOM-HOUSE, *June* 10, 1863.

Referring to my letters of the 8th and 9th instant, I am now directed to transmit to you, for the information of the lords commissioners of Her Majesty's treasury, the inclosed copy of a further report of the collector of this revenue at West Hartlepool, with a copy of the report of the surveyor at that port respecting the statements in the papers received by their lordships from the foreign office (herewith returned) in regard to the vessel Southerner, which it is alleged is fitting out for the service of the Confederate States.

I am, at the same time, to transmit a copy of the observations of the solicitor of the customs on the above reports.

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[201] *[Inclosure 2 in No. 17.]

Mr. Mackenzie to the commissioners of customs.

HARTLEPOOL, *June* 9, 1863.

HONORABLE SIRS: With reference to the observations of the solicitor, it will be seen, on referring to my report, that I have not represented the Southerner as fitted up for warlike service, but as an ordinary merchant-steamer, which corresponds with the account given by the collector at Stockton, with whom I concur in opinion, that, as far as proceedings go, she is not intended for a confederate privateer, but for commercial purposes.

My statement that she has been built for Messrs. Fraser, Trenholm & Co., of Liverpool, was founded on common rumor. On my mentioning the subject to-day in conversation with one of the builders, he did not seem to deny the fact, although I infer from what he said that she will be registered in the name of other persons.

Captain Butcher is, as reported, in command of the vessel. He is an officer in the royal naval reserve, and it is the uniform of a lieutenant in that force that is in the *cartes de visites* alluded to in the affidavit of Mr. Langley, and which I have seen.

The connection of Captain Butcher and of Messrs. Fraser, Trenholm & Co. with the

vessel has given rise to suspicion; but there is no proof that I can see of any violation of the foreign-enlistment act in her case.

For a description of the vessel, and for other particulars touching the allegations in the affidavits sent to the foreign office, I refer your honors to the report of the surveyor transmitted herewith.

The Southerner will remain here for two or three days yet. So Captain Butcher informs me.

I am, &c.,

(Signed) J. MACKENZIE.

[Inclosure 3 in No. 17.]

Report of the customs solicitor.

What I anticipated in my former report is so singularly confirmed in every particular that I have no further observations to offer, except that the impression is still repeated that the vessel has passed into the hands of Fraser, Trenholm & Co., but that amounts to nothing as a legal ground of seizure in itself; for although it is notorious that that firm are acting as agents to the confederates, it does not follow that they have abandoned their former business, and do nothing on their own account; and as they have a branch firm in Charleston, they may be engaged in businsss, even invoiving the running of the blockade in connection with their own house of business, without any violation of the foreign-enlistment act, and without evidence of acts and intents in contravention of the act, no seizure could be safely made.

(Signed) F. J. HAMEL.

[Inclosure 4 in No. 17.]

Mr. Cackett to Mr. Mackenzie.

SURVEYOR'S OFFICE, *June* 9, 1863.

SIR: Upon arrival of the Southerner, I carefully examined her, and beg to report that she is a screw-steamer, of about 1,600 register tons, bark-rigged, 300 horse-power. She has a top-gallant forecastle, from which a house on deck midships runs the whole length to the sky-light of the engine-room. Abaft the said sky-light is the saloon, and about seventy bed-berths, (first class;) the two sky-lights in the saloon have color in the glass; at either end the arms of South Carolina and the arms of England, a view of Savannah, and a fort upon which are crossed the confederate flag and the British ensign. These may be taken to show a connection with the confederate cause, or as mere ornaments to bear out the name of the vessel owned by British merchants.

[202] *The house on deck contains the cook-house and berths for the officers of the ship; the berths for the crew are under either side of the forecastle. She has two guns (18-pounders) on board, mounted on carriages, such as are generally used by merchant-vessels of the Southerner's tonnage; she has five port-holes on either side, for the purpose of letting away the water from the deck; and, except the two ports abaft the fore chains, at which the two guns are fixed, none of the ports have any ring-bolts for gun-fixings. The ports measure only 2 feet and 1 foot 6 inches, far too small for fighting purposes. The space from the house on the deck to the waterways is only 7 feet 6 inches, also too small a space for firing from the deck. She has on her stern, in legal-sized letters, "Southerner, Liverpool." There are no fittings on the top-gallant forecastle, bearing the slightest indication of its being required for firing from. On the house on deck is a steam-winch to work the main hatchway, and also another steam-winch upon the saloon to work the after hatchway (which is in the saloon;) the lower deck is laid, and is quite clear throughout; on this deck, which is below the water-line, there are no "bull's-eyes" to admit light; the lower hold is ceiled in the usual manner, and has in about 150 tons of pig-iron, no other goods being in any other part of the ship. She is now taking in coals in her bunkers (500 tons) for the voyage to Liverpool, and is about to take in 350 tons more of pig-iron, viz, 150 tons from Messrs. Rigland & Warner, and 200 tons from Holdsworth & Co., both of Stockton, on freight for Liverpool, at 2*s.* 6*d.* per ton; the 150 tons of pig-iron brought in the ship to this port also belong to Messrs. Rigland & Warner, and form a portion of their charter.

Upon the rummage of the vessel nothing but coals was found on board for creating steam; the mention made of charcoal appears to be correct, in so far that a small quantity was placed on board at Stockton to fill the lining of the ice-house, as a non-conductor of heat.

So far as the build and fitting out of this vessel now stands, I do not see the slightest

evidence to support her detention as an "equipped vessel." Her plates are of the ordinary description, She has been built under Lloyd's survey, and classed for nine years. There are on board no materials, nó arms nor fittings, beyond the two guns named above, and which, as at present mounted, are merely fit for the purpose of signal by blank cartridge. The earthenware in the cabin is marked with the monogram C. S. C., which on board is stated to mean "Charleston Steam Company." The burgee has the emblem of the palmetto tree as the flag of the company.

As to the vessel having been procured to be equipped, the only evidence I have in support of such a charge is that the master's name is Butcher; the first mate's name, Mitchell; the second mate's name Jones; and that I have reason to believe that Mr. Butcher was the captain, and Mr. Jones one of his officers, who took the 290, now the Alabama, out from Liverpool when she sailed from that port.

Respectfully submitted.

(Signed) F. J. CACKETT, *Surveyor.*

No. 18.

Mr. Hammond to Mr. Hamilton.[1]

FOREIGN OFFICE, *June* 11, 1863.

SIR: With reference to your letter of the 9th instant, I am directed by Earl Russell to transmit to you, to be laid before the board of treasury, a copy of a report from the law-officers of the Crown,[2] stating that they cannot advise that there is at present evidence sufficient to justify the seizure of the Southerner, but that the circumstances are suspicious, and that it might be desirable that she should be watched, as far as the law permits.

I am, &c.,

(Signed) H. HAMMOND.

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[203] *No. 19.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS, *June* 12, 1863. (Received June 12.)

SIR: The lords commissioners of Her Majesty's treasury have had before them your letter of yesterday's date, inclosing copy of a report from the law-officers of the Crown, stating that they cannot advise that there is, at present, sufficient evidence to justify the seizure of the Southerner; and I am to acquaint you, for the information of Earl Russell, that my lords have directed the commissioners of customs to act in accordance with the opinion of the law-officers in watching the vessel.

I am, &c.,

(Signed) GEO. A. HAMILTON.

No. 20.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June* 12, 1863.

SIR: At the same time that I communicated to the lords of the treasury and to the secretary of state for the home department, as I informed

[1] A similar letter was addressed to the home office. [2] No. 13.

you in my letter of the 4th instant, the statements respecting the vessel Southerner contained in your letter of the 3d instant, I submitted those statements also to the consideration of the law-advisers of the Crown, and I have since learned from them that, in their opinion, the evidence supplied by those statements would not support a charge against the vessel that she is so equipped, or fitted out, or destined as to constitute a breach of the provisions of the foreign-enlistment act, and that it consequently did not afford sufficient warrant for arresting the vessel.

The greater portion of the two depositions inclosed in your letter consists of hearsay matter, or statements of mere belief, which, according to American equally with British law, are inadmissible in a court of justice, and upon which Her Majesty's government could not legally proceed.

Attention will, nevertheless, continue to be paid to the vessel, with the view of guarding, as far as possible, against her being equipped in this country in a manner inconsistent with the provisions of the foreign-enlistment act.

I am, &c.,
(Signed) RUSSELL.

No. 21.

The law-officers of the Crown to Earl Russell.

TEMPLE, *June* 13, 1863. (Received June 13.)

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 11th instant, stating that, with reference to our report of the 9th instant, he was directed by your lordship to transmit to us the accompanying papers respecting the case of the Southerner; and Mr. Hammond was to call our special attention to the statement contained in the letter from the mayor of Hartlepool to the home office, of the 8th instant, that the Southerner has two guns, at the least, on board, and that she has ten port-holes; and adverting to the orders which were recently given for detaining the Ward Jackson[1] because she was fitted up with side-seats for soldiers, and Mr. Hammond was to request that we would furnish your lordship with our opinion whether there are not sufficient grounds for also detaining the Southerner.

The previous papers in this case were annexed for reference, as well as the correspondence relative to the orders given for detaining the Ward Jackson.

In obedience to your lordship's commands, we have taken these further papers into consideration, and have the honor to report—

That we are still of opinion that there is no evidence at present upon which the Southerner could be legally convicted of a breach of the foreign-enlistment act.

The opinion of every person employed to examine her is, that she is destined for merchant service. The opinion is founded positively on her build, her fittings-up, her cargo; negatively, on the absence of the fittings-up and build requisite for a ship of war. It is true she carries two guns, but we are expressly told that they are so light as
[204] *to be fit only for firing signals with blank cartridge, and common to merchantmen of her class. It is true she has ten port-

[1] This was done on an application from the Russian government.

holes, but we are told that they are not large enough to receive guns, and are adapted for the purpose of letting away the water from the deck, which is itself too small to be fired from. Her cargo is pig-iron alone, except the necessary coals.

It is true that Captain Butcher and Messrs. Fraser are concerned with her, and that there is reason to suppose them to be connected with confederate interests; but this may well be of a commercial character in this case.

With respect to our report in the Ward Jackson, it must be remembered that the custom-house officers had seized a large quantity of muskets on board of her, in cases purporting to contain "hardware." This material fact, in connection with an internal arrangement most unusual in merchant and most usual in transport ships, justified us in advising Her Majesty's government to refuse a clearance to the ship until time should be afforded for further inquiry, which is all that we did advise.

The evidence at present obtained in this case does not go at all to the essential point of the intent with which the ship is fitted out; and, so far as her construction is concerned, we see no ground for supposing that, without very material alterations, she would be capable of acting as a privateer.

All that we can at present recommend is, that on her arrival at Liverpool she should still be closely watched.

We have, &c.,

(Signed) WM. ATHERTON.
R. PALMER.
R. J. PHILLIMORE.

No. 22.

Mr. Arbuthnot to Mr. Hammond.

TREASURY CHAMBERS, *June* 15, 1863. (Received June 15.)

SIR: With reference to your letter of the 11th instant respecting the survey by an admiralty surveyor of the Southerner, alleged to be fitting for the service of the Confederate States, I am directed by the lords commissioners of Her Majesty's treasury to acquaint you, for the information of Earl Russell, that their lordships have communicated with the lords commissioners of the admiralty on the subject, and that instructions will be sent by that board to Mr. Hobbs, the shipwright officer now superintending the construction of Her Majesty's ship Agincourt at Liverpool, to assist the officers of customs who may be intrusted with the duty of examining the Southerner, so as to enable them to judge whether the vessel is constructed or fitted for belligerent purposes.

I am, &c.,

(Signed) G. ARBUTHNOT.

No. 23.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *June* 22, 1863. (Received June 23.)

SIR: I am directed by Secretary Sir George Grey to transmit to you, for the information of Earl Russell, the inclosed copy of a further report

from the head constable of Liverpool respecting vessels fitting out in the port of Liverpool which, it is supposed, are intended to act against the Government of the United States of America.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure in No. 23.]

Police report.

LIVERPOOL CONSTABULARY FORCE, CENTRAL POLICE OFFICE,
June 18, 1863.

The head constable has the honor to lay before his worship the mayor further reports respecting the fitting out of vessels in this port which are believed to be intended to act hostilely toward the Government of the United States of America. These reports are continued from Friday, 5th June, up to the present date, both inclusive. * *

[205] **Monday, June* 8, 1863. * * * * Making inquiry and watching for the arrival of the Southerner, which is expected up to-day.

Tuesday, June 9, 1863. * * *. * Making inquiry about the steamship Southerner, which is daily expected. * * * * * * * * *

Thursday, June 18, 1863. * * * * Officer has had nothing to report since the 15th instant until now. The steamship Southerner, Captain Butcher, arrived here yesterday from Hartlepool, and is now lying in the Huskisson dock.

(Signed) J. J. GREIG, *Head Constable.*

No. 24.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *June* 23, 1864. (Received June 24.)

SIR: I am directed by Secretary Sir George Grey to transmit to you, for the information of Earl Russell, the inclosed copy of a further report by the head constable at Liverpool as to the steamers Southerner and Gibraltar.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure in No. 24.]

Police report.

LIVERPOOL CONSTABULARY FORCE, CENTRAL POLICE OFFICE,
Saturday, June 20, 1863.

The head constable has the honor to lay before his worship the mayor further reports relative to the fitting out of vessels at this port, &c., continued from Thursday, June 18th:

Friday, June 19.—The officer was engaged making further inquiry respecting the Southerner. She is still lying in the Huskisson dock taking in coals from flats.

Saturday, June 20, 11 *o'clock a. m.*—Up to this time no change has taken place in either of the steamships Gibraltar or Southerner. * * * * * *

(Signed) J. J. GREIG, *Head Constable.*

No. 25.

Mr. Arbuthnot to Mr. Hammond.

TREASURY CHAMBERS, *June* 25, 1863. (Received June 25.)

SIR: With reference to your letter of the 11th instant, respecting the survey of the Southerner by an admiralty officer, I am desired by the

lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, copy of a letter of yesterday's date, and of its inclosure, received by this board from the lords commissioners of the admiralty on the subject in question.

I am, &c.,
(Signed) G. ARBUTHNOT.

[Inclosure 1 in No. 25.]

Mr. Pennell to Mr. Hamilton.

ADMIRALTY, *June* 24, 1863.

SIR: With reference to your letter of the 13th instant, and to my reply thereto, relative to the survey of the Southerner by an admiralty surveyor, with a view to ascertaining whether that vessel is fitting for belligerent purposes, as alleged, I am commanded by my lords commissioners of the admiralty to send you herewith, for
[206] the information of *the lords commissioners of Her Majesty's treasury, a copy of a report of survey on that ship by Mr. T. Hobbs, admiralty overseer.

I am, &c.,
(Signed) C. H. PENNELL, *Pro Sec.*

[Inclosure 2 in No. 25.]

Mr. Hobbs to the controller of the navy.

BIRKENHEAD IRON-WORKS,
Birkenhead, June 23, 1863.

SIR: In obedience to directions, and with reference to your letter of the 13th instant, I beg most respectfully to inform you that, upon its receipt, I immediately proceeded to Liverpool, and placed myself in communication with the custom-house authorities, for the purpose of surveying the Southerner upon her arrival at this port, and have this day, in company with Mr. W. Byrne, assistant surveyor of customs at Liverpool, surveyed the vessel herein referred to, and beg to report that I find her an ordinary-built iron-screw steam passenger and cargo vessel of 1,569 tons, fitted with engines of 300 horse-power. The vessel was built by Messrs. Pearse & Co., iron ship-builders, Stockton-on-Tees, and the engines by Fossick & Hackworth, of the same place. She is also fitted with top-gallant forecastle and poop-deck, with deck-houses continuous fore and aft with the same, in the same manner as the Inman line of screw-boats now sailing between this port and New York. She is fitted aft under the poop-deck with cabin accommodation for about sixty-six saloon-passengers; the forecastle for the crew, and deck-houses for the ship's officers. Her holds are appropriated for the reception of cargo, and steam-winches are fitted for working the same.

I find upon examination that her top-sides are of iron plates three-eighths of an inch thick, and in no way fitted or secured as I consider necessary for the working of guns.

She has two gangways fitted, one on each side amidships, for the purpose of working her cargo; and I beg to state that upon fully examining this vessel, I cannot find anything with regard to construction or fittings that would lead me to suppose that she was intended for belligerent purposes.

I have, &c.,
(Signed) T. HOBBS, *Admiralty Overseer.*

No. 26.

Mr. Arbuthnot to Mr. Hammond.

[Immediate.]

TREASURY CHAMBERS,
June 29, 1863. (Received June 29, 1863.)

SIR: With reference to the previous correspondence respec ing the Southerner, supposed to be fitting for the service of the Confederate

States, I am desired by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, copy of a letter from the commissioners of customs, dated the 26th instant, together with copy of its inclosure, communicating the result of a minute survey of the vessel in question by Mr. Byrne, of the customs department, in conjunction with Mr. Hobbs, admiralty surveyor.

I am, &c.,
(Signed) G. ARBUTHNOT.

[Inclosure 1 in No. 26.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *London, June* 27, 1863.

SIR: With reference to your letters of the 4th and 16th instants, respecting the vessel Southerner, which is suspected to have been fitting out for the service of the Confederate States, I am directed to transmit, for the information of the lords commissioners of Her Majesty's treasury, a copy of a report, dated 24th instant, of one of the acting surveyors of this revenue at Liverpool, communicating the result of a minute
[207] survey of *the said vessel made by him, in conjunction with Mr. Hobbs, one of the admiralty surveyors.

I am, &c.
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 26.]

Mr. Byrne to Mr. Gardner.

CUSTOM-HOUSE, *Liverpool, June* 24, 1863.

SIR: I beg to report that Mr. Hobbs, admiralty surveyor, having intimated to me that he had received instructions to communicate with the officers of customs at this port with reference to the steam-vessel Southerner, now lying in Huskisson dock, on yesterday, the 23d instant, I proceeded on board the said vessel, and, together with him, made a minute survey, finding her to be an iron vessel of 1,569 tons register, and 300 nominal horse-power, built by Messrs. Pearse & Co., Stockton-on-Tees, fitted in the ordinary manner of ocean steamers trading from this port, having a screw-propeller, top-gallant forecastle, and poop-deck aft, with deck-houses extending right fore and aft amidships, excepting over the entrance to the engine-room; has accommodation for sixty-six cabin-passengers, but not for steerage-passengers, her between decks being intended for cargo, except the portion occupied for engine-room and boiler space. She is also fitted with steam-winches for working cargo. Her top sides are constructed of ⅝-inch iron plates, there being no room whatever on deck for working guns, and no ports other than a gangway at each side for taking in or discharging cargo. There are two ordinary signal-guns on deck, but nothing at all in her appearance or construction indicating that she was ever intended for warlike purposes. In this opinion Mr. Hobbs fully concurred.

Respectfully submitted.
(Signed) MARTIN BYRNE,
Acting Surveyor.

No. 27.

Mr. Waddington to Mr. Layard.

[Immediate.]

WHITEHALL, *June* 29, 1863. (Received June 30.)

SIR: I am directed by Secretary Sir George Grey to transmit to you herewith copies of a letter from the mayor of Liverpool, and of a further report from the head constable of that borough, relative to vessels in that

port, which, it is supposed, are intended to act hostilely against the Government of the United States; and I am to request that you will submit the same to Earl Russell, and move his lordship to inform Sir George Grey whether, on consideration of the last paragraph of the mayor's letter, he continues of opinion that instructions should be given to the police to continue to watch those vessels, agreeably to the wish expressed in your letter of the 25th instant.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure 1 in No. 27.]

Mr. Shuttleworth to Mr. Waddington.

TOWN-HALL, *Liverpool, June* 26, 1863.

SIR: I beg to forward further report made by the head constable to the mayor today, on the subject of vessels in this port believed to be acting hostilely toward the United States Government. This seems to exhaust the means of information to be obtained upon this subject; and referring to your letter of the 5th instant, I have to inform you that the head constable, considering the very great inconvenience which results from the officer being specially detached for this duty, has withdrawn such officer from the same.

I am, &c.,
(Signed) WM. SHUTTLEWORTH, *Town Clerk.*

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[203] *[Inclosure 2 in No. 27.]

Police report.

LIVERPOOL CONSTABULARY FORCE, CENTRAL POLICE OFFICE,
June 25, 1863.

The head constable has the honor to lay before his worship the mayor further reports relative to the fitting out of vessels in this port believed to be intended to act hostilely toward the United States Government. These reports are continued from Monday, the 22d instant, up to this day.

Monday, June 22, 1863.—Officer continuing his inquiries respecting the steamships Southerner and Gibraltar, both of which remain in the same condition as they were in on Saturday.

Tuesday, June 23.—The Southerner is still lying in the Trafalgar dock, apparently undergoing some slight alteration, testing her machinery, &c.

Thursday, June 25.—The Southerner has been surveyed by Mr. Byrne and a gentleman from one of Her Majesty's dock-yards, and they declare that her construction and fittings show her to be adapted for a passenger-ship. Officer has seen the town clerk and the United States vice-consul, and has reported verbally to them the result of his inquiries. The town clerk instructed officer to report to the head constable that as the Gibraltar is now being watched by the officers of Her Majesty's customs, and as the United States vice-consul believes nothing more need be done at present in the matter, the services of the officer specially employed may be discontinued from this date.

Under these circumstances the head constable would submit to his worship that the officer be withdrawn from this duty, which has, from the beginning, been one of no small difficulty, and attended with no small degree of anxiety.

(Signed) J. J. GREIG, *Head Constable.*

No. 28.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *July* 3, 1863.

SIR: I had the honor, on the 12th of June, to communicate to you the result of the inquiries which had, up to that time, been instituted

by Her Majesty's government with reference to the statements respecting the vessel Southerner contained in your letter of the 3d of that month. I, however, added that attention should nevertheless continue to be paid to that vessel, with the view of guarding, as far as possible, against her being equipped in this country in a manner inconsistent with the provisions of the foreign-enlistment act.

I have now to inform you that in fulfillment of that assurance, Her Majesty's government considered it desirable to request the board of admiralty to associate with the custom-house surveyor at Liverpool an officer well acquainted with the build and equipments of vessels of war, with instructions to survey the Southerner, and to report the result to Her Majesty's government.

That officer's report has now been received, and I have the honor to acquaint you that it appears from it that the Southerner is an ordinary-built iron-screw steam passenger and cargo vessel of 1,569 tons, fitted with engines of 300 horse-power. That she is also fitted with top-gallant forecastle and poop deck, with deck-houses continuous fore and aft with the same, in the same manner as the Inman line of screw-boats sailing between Liverpool and New York; that she is fitted aft under the poop-deck with cabin accommodation for about sixty-six saloon-passengers, the forecastle for the crew, and deck-houses for the ship's officers; that her holds are appropriated for the reception of cargo, and that she is fitted with steam-winches for working the same.

The admiralty surveyor further reports that he finds upon examination that her top sides are of iron plates, $\frac{3}{8}$-inch thick, and are in no way fitted or secured for the working of guns, and that she has two gangways fitted, one on each side amidships, for the purpose of working her cargo.

The surveyor, in conclusion, says that upon fully examining the Southerner, he cannot find anything with regard to construction or fittings that would lead him to suppose that she was intended for belligerent purposes.

I am, &c.,
(Signed) RUSSELL.

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[209] *No. 29.

Mr Dayton to Mr. Seward.

LEGATION OF THE UNITED STATES,
Paris, October 6, 1863.

SIR: I have the honor to inclose herewith a copy of a communication just received from the United States consul at Algiers, in reference to the rebel steamer Southerner. From this it would appear that she is engaged in the transportation of cotton to England.

I am, &c.,
(Signed) WILLIAM L. DAYTON.

[Inclosure in No. 29.]

Mr. Kingsbury to Mr. Dayton.

CONSULATE OF THE UNITED STATES,
Algiers, October 2, 1863.

SIR: I have the honor to inform you that while absent from my post by special permission, I received information that the suspected pirate steamship Southerner was at Malta,

en route from Alexandria to Algiers. Accordingly, I made all possible haste to return, hoping, if my information was correct, and our apprehensions should be sustained by the actual character of this vessel, that I might be able to render some service to our country. But since my arrival I have ascertained that the Southerner came into this port on or about the 20th ultimo, and landed several hundred Turkish pilgrims, and proceeded hence to Tangiers to land the remainder of this class of her passengers.

She had a full cargo of cotton, even her cabin being filled, and was proceeding to Liverpool, having been dispatched on this voyage by the well-known firm of Wilson & Co. The ship has an English register, a transcript of which I have seen, is about 1,500 tons, and has a crew of 52 men. While in this port she hoisted none but the English flag. This information has been given to me by a perfectly competent and reliable gentleman of my acquaintance at this place.

I am also informed that the British and United States flags are painted upon the partitions of the companion-way or entrance to her cabin, the ship having been built, it is said, to run between Liverpool and Charleston. Captain Butcher, who commanded the Alabama on her trial-trip, commands the Southerner, and has been for several years employed by Messrs. Wilson & Co.

I think this information, which I have not the slightest reason to doubt, will quiet our apprehensions concerning this vessel, at least until she has discharged her cargo of cotton.

With, &c.,
(Signed) EDWARD L. KINGSBURY,
United States Consul.

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*ALEXANDRA.

ALEXANDRA.

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5	Home office to foreign office	Apr. 1, 1863	Instructions to mayor of Liverpool to make inquiries in concert with customs authorities.	229	280
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12	Mr. Adams to Earl Russell	Apr. 9, 1863	Inquiring whether he should take simultaneous proceedings against the vessel on behalf of the United States.	234	286
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15	Earl Russell to Mr. Adams	Apr. 11, 1863	For further explanations as to proposal of simultaneous action on the part of the United States.	235	288
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17	Home office to foreign office	Apr. 11, 1863	Report from police officer stationed to watch vessels at Liverpool.	235	288
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19	Foreign office to treasury	Apr. 15, 1863	Forwarding above. Shall request to be complied with.	239	292
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Mary (or Alexandra.) Part II.

[214] *MARY, (OR ALEXANDRA.)

PART II.

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7	Foreign office to Mr. Lafone...	Jan. 20, 1865	His vessel seized by the colonial government for violation of the foreign-enlistment act. The question will be tried by law.	274	325
8	Foreign office to colonial office.	Jan. 21, 1865	Forwarding correspondence with Mr. Lafone.	274	326
9	Colonial office to foreign office.	Jan. 23, 1865	Dispatches to governor of the Bahamas approving of the seizure of the Mary, and instructing him as to course to be pursued.	275	326
10	Mr. Burnley to Earl Russell...	Jan. 24, 1865	Course pursued by the governor of the Bahamas as to the solicitor-general, who was acting for the defendants in the suit.	276	327
11	Colonial office to foreign office.	Feb. 11, 1865	The cause is in progress before the vice-admiralty court at Nassau.	277	328
12	Mr. Lafone to foreign office...	Feb. 17, 1865	Inquiring whether her Majesty's government will release the vessel.	277	329
13	Admiralty to foreign office....	Feb. 17, 1865	Report from Admiral Hope on the construction and fittings of the vessel.	277	329
14	Foreign office to Mr. Lafone...	Feb. 18, 1865	The vessel can only be released in the ordinary course of law.	279	330
15	Mr. Burnley to Earl Russell...	Feb. 3, 1865	Mr. Seward's satisfaction at the course pursued toward the solicitor-general at Nassau.	279	331
16	Mr. Adams to Earl Russell....	Mar. 7, 1865	Requests that steps may be taken to prevent the Mary, if condemned and sold, from being bought in to be again fitted as a confederate privateer.	279	331
17	Earl Russell to Mr. Adams....	Mar. 9, 1865	Has forwarded his letter to the proper department.	280	332

MARY, (OR ALEXANDRA)—PART II—Continued.

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18	Foreign office to colonial office.	Mar. 9, 1865	Mr. Adams's representation. For observations before submitting to the law-officers.	280	332
19	..... do	Mar. 10, 1865	As to Mr. Adams's representation. The governor will be directed not to sell the vessel until further orders.	280	333
20	Colonial office to foreign office.	Mar. 13, 1865	Dispatch from the governor of the Bahamas, reporting the progress of the proceedings.	281	333
21	Law-officers to foreign office..	Mar. 18, 1865	Steps to be taken to prevent any future use of the Mary as a confederate war vessel.	281	334
22	Foreign office to colonial office and treasury.	Mar. 24, 1865	Forwarding the above	282	335
23	Colonial office to foreign office.	Apr. 8, 1865	The statement of the owner of the vessel that she was altered into a passenger ship is untrue.	282	335
24	..... do	Apr. 12, 1865	Correspondence between the governor of the Bahamas and Admiral Hope as to seizure of the Mary, and expediency of the presence of a vessel of war at Nassau.	283	336
25	..... do	May 9, 1865	Observations of the governor as to possible future conversion of the vessel into a confederate cruiser. She cannot be sold without orders, if condemned.	285	338
*26	[215] ..... do	July 5, 1865	Acquittal of the vessel. Inclosing copy of judgment of the court. The attorney-general has decided on not appealing.	286	339
27	Law-officers to foreign office..	July 31, 1865	Opinion as to judgment and course pursued by the attorney-general. Certificate should be procured that there was reasonable cause for seizure.	303	355
28	Certificate of vice-admiralty court.	.....	There was probable ground for seizure.	304	355

PART I.

ALEXANDRA.

PART I.

No. 1.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, March 30, 1863. (Received March 31.)

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 28th instant, in reply to my representation of the cases of the Phantom and Southerner, believed to be fitting out from this kingdom for the purpose of carrying on war against the United States. In accordance with your lordship's suggestion, I have written to Mr. Dudley, the consul of the United States at Liverpool, directions to obtain all the evidence within his power to fortify his allegation. Correspondence.

I now have the honor to transmit to your lordship a copy of a letter from Mr. Dudley, together with a number of depositions taken before the collector of Liverpool, going to show a similar equipment of another steamer, called the Alexandra, in the same port. I shall remit no exertion to place in the hands of Her Majesty's government all the information that can be obtained touching these hostile designs, being quite confident that I can in no way contribute so effectually to the defeat of the machinations of evil-minded persons who hope, through a dexterous use of such hostile armaments, to involve the people of the two countries in hostilities out of which neither can expect to reap the smallest advantage.

I have the honor likewise to submit to your lordship's consideration another note from Mr. Dudley, of the 28th instant, transmitting copies of certain papers which appear to prove quite conclusively the relation of certain persons in Liverpool, whose names appear therein, to the insurgent authorities of the United States. It thus appears that the same individuals who were concerned in the outfit and departure of the gun-boat No. 290 are those now mentioned as directing the outfit of the Alexandra. I would most especially solicit your lordship's attention to the letter of instructions signed by James D. Bullock, and dated 28th of July, 1862. This was the day before the departure of No. 290 from Liverpool. The directions to enlist Her Majesty's subjects, together with the means to be resorted to in order to persuade them to carry on war against the people of a friendly nation, are most particularly deserving of notice. As connecting the links of evidence touching the purposes of the parties at Liverpool, the allegation of the dispatch of the Agrippina from Liverpool, with the necessary objects to complete the warlike equipment of No. 290, seems to be of essential value.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 1.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, March 28, 1863.

SIR: I inclose you copies of certain papers that came into my possession yesterday. The letter from Bullock to Mallory is merely a copy kept by Mr. Yonge, who was at the time acting as Captain Bullock's secretary. The others are original. They are all genuine.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

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[220] *[Inclosure 2 in No. 1.]

Captain Bullock, C. S. N., to Mr. Mallory.

WILMINGTON, N. C., *January* 30, 1862.

SIR: Day before yesterday I went down to the mouth of Cape Fear River to examine the present position of the blockading squadron, and to learn something of their general movements. As the depth of water over New Inlet Bar is less than the draught of the Annie Childs, I merely noted the fact that two bark-rigged gun-boats were anchored off that entrance, and proceeded at once to the mouth of the Main River. I returned to the city last night, and regret to report that the enemy are very active and watchful, and lie in such a position as to forbid any attempt to run out, except under very fortuitous circumstances of weather. Two gun-boats are now lying about one mile west-southwest from the bar, and one of them practiced target-firing for two or ——— hours on Tuesday at a house on the beach. The guns used were 11-inch and 6½-inch rifled, as proved by shells picked up in the woods. The firing was excellent in range and direction, the distance being two miles, and the house being completely riddled. To-day the Annie Childs is ready for sea, and it is Captain Hammond's intention to drop her down at high water to-morrow as far as the bends of the river will afford concealment from the enemy's glasses off the bar, and there to await the first favorable chance to slip out. Captain Hammer has had much difficulty in getting a pilot, and even now is not sure of the one he has engaged for the voyage, several having begged off already, after positive engagements to go. In such adventures as these all must necessarily be of willing minds. I cannot, sir, exaggerate the relief I will experience in being rid of all such obstacles as are beyond my own judgment and control, nor the intense satisfaction with which I will hail the first plunge of the deep-sea lead, with its assurance that the Annie Childs is free from skittish pilots as well as blockaders. Midshipman Maffit has this morning reported to me for duty. I have directed Mr. Yonge to open a regular pay-roll, and to take up all the officers' accounts. Will you please inform me whether they are to draw sea-pay from date of orders, or from the time of joining a ship in England? I will have no funds for pay-accounts here, but I hope to get off so soon as not to make it necessary to draw for any. It is quite impossible to appoint a sailing day, but as no opportunity will be lost I may not be able to write you again, but will arrange to have a telegraph sent you whenever the ship goes out.

As I go down in the ship to-morrow, you will please direct any further communication to care of Howell, of this place, who will forward all letters to me at Smithville.

I am, &c.,
(Signed) JAMES D. BULLOCK.

[Inclosure 3 in No. 1.]

Receipt.

LIVERPOOL, *July* 9, 1862.

Received from Clarence R. Yonge, assistant paymaster, Confederate States navy, the sum of twenty pounds on account of pay and travel.

£20.

(Signed) WILLIAM ANDREWS,
Acting Master, C. S. N.

Approved, and Clarence R. Yonge, assistant paymaster, Confederate States navy,

will pay the above amount (twenty pounds) to William Andrews, acting midshipman, Confederate States navy.

(Signed) JAMES H. NORTH,
Confederate States Navy.

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[221] *[Inclosure 4 in No. 1.]

Captain Bullock, C. S. N., to Mr. Yonge.

LIVERPOOL, *July* 28, 1862.

SIR: You will join the steamship Alabama, temporarily under the orders of Captain W. J. Butcher, and proceed in her to sea. The Alabama may have to cruise several days in the British Channel and to touch at one or two ports; during this time you are strictly enjoined not to mention that you are in any way connected with the Confederate States navy, but you will simply act as the purser of a private ship.

In this capacity you will keep accounts of all moneys paid, and you will assist Captain Butcher in any way he may desire. You have been provided with an invoice of everything now on board the Alabama, as well as the cargo shipped on board the brig Agrippina, which vessel you will meet at the port to which the Alabama is bound. The invoice of the Agrippina's cargo gives the mark and number of every case and bale, the contents of each, and the part of the vessel in which it is stored. You will endeavor to make yourself fully acquainted with the invoices and examine the store-rooms, so that you will be able to give sufficient aid in getting everything in its proper place when the transfer of stores is made. When the Alabama is fairly at sea you will mix freely with the forward and petty officers. Show interest in their comfort and welfare, and endeavor to excite their interest in the approaching cruise of the ship. Talk to them of the Southern States, and how they are fighting against great odds for only what every Englishman enjoys—liberty. Tell them that at their port of destination, a distinguished officer of the Confederate States navy will take command of the ship, and he will ask them to ship for a cruise in which they will have the most active service and will be well taken care of. I do not mean that you are to make the men set speeches or be constantly talking to them; but in your position you may throw out to leading men hints of the above tenor, which will be circulated upon the berth-deck. Seamen are very impressible, and can be easily influenced by a little tact and management.

When Captain Semmes joins you will at once report to him, and act thereafter under his instructions. He will be a stranger to the ship and crew, and will be in a position of great responsibility and embarrassment. You have it in your power to smooth away some of his difficulties in advance, especially in having all the stores and cargo of the ship in an orderly state and the men settled and well disposed, and I confidently rely upon your exertions to bring about such a state of things. You will consider yourself as temporarily under the order of Captain Butcher, in whom I place great confidence, and by strict attention to your duties and the display of zeal and judgment in their execution you will evince a just appreciation of the trust reposed in you, and will prove that your appointment to so important a post has been deserved.

Wishing, &c.,

(Signed) JAMES D. BULLOCK.

[Inclosure 5 in No. 1.]

Captain Bullock C. S. N., to Mr. Yonge.

LIVERPOOL, *July* 30, 1862.

SIR: By virtue of authority granted me by the Hon. S. B. Mallory, secretary of the navy of the Confederate States, I hereby appoint you acting assistant paymaster, this appointment to date from the 21st day of December, 1861.

Very respectfully,

(Signed) JAMES D. BULLOCK.

Acting Assistant Paymaster Young reported to me for duty on board the Confederate States steamer Alabama, near the island of Terceira, on 24th August, 1862.

(Signed) R. SEMMES,
Commander.

[222] *[Inclosure 6 in No. 1.]

Commander Semmes to Mr. Yonge.

CONFEDERATE STATES STEAMER ALABAMA,
Port Royal, January 25, 1863.

SIR: Your appointment as acting paymaster of the ship is hereby revoked. You will turn over all the rolls and papers connected with your late office to Acting Paymaster Galt, who has been appointed to relieve you. As to the disposition of your person, you may either remain on board this ship as supernumerary until an opportunity shall offer of sending you to the Confederate States, or go on shore here, as you may prefer.

Very respectfully,
(Signed) R. SEMMES.

[Inclosure 7 in No. 1.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, March 28, 1863.

SIR: I inclose you copies of affidavits made before the collector of the port of Liverpool, and submitted to him in support of an application by me made to him this day to detain the gun-boat recently launched from the yard of William C. Miller & Sons, called the Alexandra, which has been built for and is now being fitted out here in this port to cruise and make war against the Government and people of the United States. The copies are sent to you for the purpose of being laid before the secretary of foreign affairs of Her Majesty's government, as the basis of an application for them to arrest this vessel, at the instance of my legal advisers.

I have, &c.,
(Signed) THOMAS H. DUDLEY.

[Inclosure 8 in No. 1.]

Mr. Dudley to Mr. Edwards.

To Samuel Price Edwards, Esq., Collector of Customs, Liverpool:

I, the undersigned, Thomas Haines Dudley, consul of the United States of America for the port of Liverpool and its dependencies, do hereby apply to you, on behalf of the Government of the United States of America, to seize and detain a vessel now lying in the Toxteth dock, in the port of Liverpool, called the Alexandra, with her tackle, apparel, and furniture, with all the materials, arms, ammunition, and stores which may belong to or be on board of the said vessel, pursuant to the powers given to you in that behalf by the seventh section of the act of Parliament, 59 Geo. III, cap. 69, on the ground that such vessel is being equipped, furnished, and fitted, in order that such vessel shall be employed in the service of the persons assuming to exercise the power of government, and called the Confederate States of America, and with the intent to cruise and commit hostilities against the Government and citizens of the United States of America, with which Government Her Majesty the Queen is not now at war.

(Signed) THOMAS H. DUDLEY.
MARCH 28, 1863.

[Inclosure 9 in No. 1.]

Declaration of Mr. Thomas H. Dudley.

I, Thomas H. Dudley, of No. 3 Wellesley Terrace, Liverpool, in the county of Lancaster, esquire, do solemnly, sincerely, and truly affirm and declare that the taking of any oath is, according to my religious belief, unlawful; and I do also solemnly, sincerely, and truly affirm and declare as follows:

1. I am consul of the United States of America for the port of Liverpool and its dependencies.

2. I say there is now, and for some time past has been, a war carried on be-
[223] tween *the Government and people of the United States of America and certain

persons who have rebelled against such Government and pretended to set up and assume to exercise the powers of government, styling themselves the Confederate States of America.

3. I further say that to the best of my knowledge, information, and belief, no leave or license has been had or obtained from or of Her Majesty the Queen under her sign-manual, or any order in council, or any proclamation of Her said Majesty, or otherwise, or at all authorizing any person within any part of the United Kingdom to equip, furnish, fit out, or arm ships or vessels with intent or in order that such ship or vessel shall be employed in the service of the said so-called Confederate States to cruise or commit hostilities against the Government and people of the said United States of America, and that Her Majesty is now not at war with the said United States.

4. I say there have been built in this port for the government or persons assuming the government of the so-called Confederate States two vessels of war; one of them, namely, the Oreto, now called the Florida, was built by Messrs. W. C. Miller & Sons, of Liverpool, and another, the Alabama, by Messrs. Laird & Co., and they have been employed by the said so-called Confederate States against the Government and people of the United States of America in the war that is now going on, and armaments and war-crews, or portions of the said crews, for both the said vessels, went out in them, or were sent out from England to meet the ships abroad, and were then placed on board of them.

5. On the 7th of the present month of March another vessel, built and intended for a steam-vessel, was built by the said Messrs. W. C. Miller & Sons, and, as this deponent verily believes, built and intended for a gun-boat, was launched by them from the ship-building yard in Liverpool, and was named the Alexandra, and which vessel is now in the Toxteth dock, in the port and town of Liverpool, in the United Kingdom of Great Britain and Ireland.

6. Messrs. Fawcett, Preston & Co., of Liverpool, engineers, as I am informed and verily believe, are supplying the engines for and are now erecting and fixing the same on board the said ship.

7. I say that I am informed and verily believe that Messrs. Fraser, Trenholm & Co., who act as the agents for the said so-called confederate government, are concerned in having the ship built and fitted out, and that the moneys required for such purpose have been and are supplied by the said Messrs. Fraser, Trenholm & Co.

8. I further say that a Captain Bullock, who is in constant communication with parties in Liverpool who are known to be connected with and acting for the parties who have assumed the government of the so-called Confederate States, and who superintended the building of the vessel Oreto, now called the Florida, who superintended the building and fitting of the steam gun-boat No. 290, now called the Alabama, and who went with her on part of her voyage out of this port, is now in Liverpool, and, as I am informed and believe, is superintending the building and fitting out of the Alexandra.

9. I am informed and verily believe that a Captain Tessier, who has been long in the service of the said Fraser, Trenholm & Co., and who commanded the Bahama when she took out Captain Semmes, (now of the Alabama,) as also part of the crew and armament of that vessel, to meet her and transship the same into her when she was at the island of Terceira, is also superintending the fitting out of this ship.

10. I say I have read the affidavits of John de Costa, Oliver Remington Mumford, Neil Black, Thomas Hutson, and Matthew Maguire, sworn the 28th day of March instant, and I say that, from the facts therein spoken to and from the facts and circumstances aforesaid, I verily believe and say that the said vessel Alexandra is being fitted out with intent and in order that the said vessel shall be employed in the service of the said persons setting up to exercise the powers of government, and called the Confederate States of America, and with the intent to cruise and commit hostilities against the Government and citizens of the United States of America.

(Signed) THOMAS H. DUDLEY.

Affirmed before me at the custom-house, Liverpool, this 28th day of March, 1863.

(Signed) S. PRICE EDWARDS,
Collector.

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[224] *[Inclosure 10 in No. 1.]

Affidavit of Mr. John De Costa.

I, John De Costa, of Liverpool, in the county of Lancaster, shipping-agent and steam-tug owner, make oath and say as follows:

Messrs. William C. Miller & Sons, ship-builders, of Liverpool, have been constructing a tug-boat for a steam-tug company in which I am a partner and shareholder, and I

have for the last two or three months been in the habit of attending at the yard inspecting our boat. In the same yard, and on the slip next to that which our boat occupied, there was being built, at the time our boat was being built by Messrs. William C. Miller & Sons, a ship since launched and called the Alexandra.

I say that I was informed by Mr. William C. Miller, the senior partner of the said firm of William C. Miller & Sons, that the said ship was intended for a gun-boat. The said William C. Miller also conversed with me as to the speed of the steamship Oreto, now called the Florida, which was built by them, the said Messrs. William C. Miller & Sons, and which he said was greater than that of the Alabama, but that he expected this vessel, now called the Alexandra, would be faster than either.

I have seen a Mr. Welsman, one of the partners in the firm of Fraser, Trenholm & Co., at William C. Miller & Sons' yard. Messrs. Fraser, Trenholm & Co. act as and are agents for the confederate government, and Mr. Welsman was inspecting and giving orders as to the Alexandra. I have seen him on several occasions doing so.

I have also seen at the said yard where the said ship Alexandra was being built Captain Tessier, who is and has for many years been in the employ of Fraser, Trenholm & Co., and who commanded the steamship Bahama, and who took out Captain Semmes and certain matters of armaments and crew to the island of Terceira, in the Atlantic, to meet the Alabama after the Alabama had cleared from the port of Liverpool and had gone to the said island of Terceira and there transshipped Captain Semmes and such armament and crew into the said ship Alabama, as I am informed and verily believe.

I have seen and heard the said Captain Tessier at the said yard giving orders as to the combings of the hatch and other matters in connection with the building of the said gun-boat.

On the 3d of March instant we had a trial-trip of our tug-boat, which is called the Emperor, and Captain Tessier and Mr. Miller, the junior member of the said firm of William C. Miller & Sons, were on board her on this occasion. Captain Tessier then told me that he had had the command of the Oreto and took her to Nassau, in New Providence, in order that she might from thence run the blockade instituted and enforced by the Government of the United States on the port and harbor of Mobile; and that when she was running the blockade into Mobile from Nassau the blockading fleet of the United States fired into her; that one shot struck her and went clean through the side of the vessel, touching the top of the boiler and going through the other side, killing one man. Mr. Miller said that he had understood from Captain Bullock that the shot did not go through her. Captain Tessier also said that the speed of the Emperor would not suit their purposes. I said to him, if it is for running the blockade it would not suit for such a purpose. To which he replied that there had been plenty running the blockade that had gone no swifter; but then the fogs had given them the opportunity; and added that, if the Oreto had gone no faster, he would have been caught twice. Captain Tessier and Mr. Miller, jr., said that the Alexandra was for the southern confederacy and everybody knew it, and that they did not pretend to keep it from any one, and that he, Captain Tessier, was going to command her.

In the course of that conversation some one said, but who I do not remember, that they would get into trouble with the British government; the said Mr. Miller, jr., replied that they would not, as they should clear her in the same manner as they did the Oreto.

The said Captain Tessier stated in my presence, in the course of the said conversation, that the said ship Alexandra was being fitted up as a gun-boat, and was intended for and will be employed as such in the service of the said so-called Confederate States.

I say that I was informed by Mr. Spear, of the firm of Fawcett, Preston & Co.,
[225] *that his firm were building the engines. They are the same persons who supplied the Oreto with her engines.

I say that from what I saw of the said vessel Alexandra, and from what I was told by the Messrs. Miller and other parties in their yard, the said vessel was built for and that she is now being fitted up as a gun-boat, and is intended for and will be employed in the service of the said so-called confederate government as a man-of-war, and for the purpose of capturing and destroying vessels and property belonging to citizens of the said United States and the citizens of the said States.

I say that, from the facts and circumstances aforesaid, I verily believe and say that the said vessel, the Alexandra, is being equipped and fitted out with intent and in order that such vessel shall be employed in the service of the persons exercising powers of government in the said States called or known as the southern confederacy, or Confederate States of America, with intent to cruise and commit hostilities against the Government of the United States of America and the citizens thereof.

(Signed) JOHN DE COSTA.

Sworn before me at the custom-house, Liverpool, in the county of Lancaster, this 28th day of March, 1863.

(Signed) S. PRICE EDWARDS, *Collector.*

[Inclosure 11 in No. 1.]

Affidavit of Oliver Remington Mumford.

I, Oliver Remington Mumford, of New York, in the United States of America, master mariner, make oath and say I have been a captain of merchant-vessels ever since 1835, and have been the owner of ships and superintended the construction of vessels.

I have examined the vessel called the Alexandra, now lying in the Toxteth dock, and which was built by Messrs. W. C. Miller & Sons, and from her appearance, and more particularly from her solid construction, I am of opinion that she is built for, and is intended for, a gun-boat and not for the merchant-service; and I say that she is altogether unsuitable for the merchant-service. Her bulwarks are much lower and stronger than those which are ever used on board a vessel of her size intended for the merchant-service. Her hatchways are too small for the merchant-service, being not more than 2½ feet wide and a little longer, and would not be of any available use in a vessel intended to carry merchandise, being too small to allow the loading and unloading of cargo. And I say that hatchways such as those provided in the Alexandra are provided for gun-boats and men-of-war, and vessels so employed, or for yachts, and nowhere else. She is fitted with pumps of a description and character which I have never seen used in any merchantman. There are three of them, one a brass one on the port side, in connection with which there is a deck-plate with connections to supply more than one stream of water in case of fire or other emergency, and two iron pumps forward, with a belaying-pin through the top to make fast when required, and the situation of the pumps is different to what it is in merchant-vessels, where they are always placed abaft the mainmast. She is fitted with a brass or composition screw such as would not be used on board a merchant-vessel and is used in gun-boats. From her whole construction, and from my experience, I say that the said ship was built, and is being fitted out, for war purposes.

(Signed) O. R. MUMFORD.

Sworn before me at the custom-house, Liverpool, the 28th day of March, 1863.

(Signed) S. PRICE EDWARDS, *Collector.*

[Inclosure 12 in No. 1.]

Affidavit of Neil Black.

I, Neil Black, of 18 Neptune street, Liverpool, in the county of Lancaster, ship-carpenter, make oath and say as follows:

1. I have been engaged in ship-building for the last thirty years, and have been engaged on vessels intended for war purposes.

[226] *2. On the 21st day of March, 1863, I saw the vessel Alexandra in the Toxteth dock, and I then went on board her and examined her. She is about 140 feet in length and about 24 beam, and about 120 tons.

3. I found her extremely strongly built, of teak wood, very thick. Her beams are 13 inches and about 2½ feet apart, and her widest hatch being only 2½ feet fore and aft and about 5 feet across the vessel, and I say that the space between the beams in merchant-vessels is never less than four feet and the hatch 7 feet by 6 feet fore and aft.

The said ship has strong iron beams of double-angle iron. Her bulwarks are very strong and low, more than a foot lower than would be found on any vessel for the merchant service. Her upper deck is of pitched pine, which I have never seen except in ships of war.

She is wholly unadapted for mercantile or pleasure purposes. I say that these facts and the whole construction of the vessel Alexandra clearly show me, as a practical man, that she is built for a war-vessel, and not to be used for mercantile purposes. She has all the appearances of a gun-boat, and from my experience in the building of ships for the purposes of war, I say that such is the purpose she has been built and is now being fitted out for.

I say that I was informed by a man who is in the employ of W. C. Miller & Sons, the builders, who, was at work on her painting her, who, in reply to a question of mine whether she was built for the Chinese government, said that she was not, but was for the confederate government. Whilst I was talking to the man, Mr. W. C. Miller came up and ordered me off the vessel, and at the same time threatened instantly to discharge the ship-keeper if he allowed a stranger again to come on board of her.

(Signed) N. BLACK.

Sworn before me, at the custom-house, Liverpool, this 28th day of March, 1863.

(Signed) S. PRICE EDWARDS, *Collector.*

[Inclosure 13 in No. 1.]

Affidavit of Thomas Hutson.

I, Thomas Hutson, of No. 6 St. George's court, Red Cross street, Liverpool, in the county of Lancaster, boatman, make oath and say as follows:

1. I have done duty as a seaman on both American and British men-of-war.

2. I have seen the vessel known as the Alexandra, and which was built by W. C. Miller & Sons, of Liverpool, during the time she was in their yard and also since she has been launched. The said vessel is, in my opinion, intended for a gun-boat, and is very similar to our gun-boats, which I have seen and been on board of. She is too solid built and her bulwarks are too low to be intended for a merchant-vessel.

Whilst she was being built I was told by a carpenter working on board of her that she was a gun-boat for the Confederate States.

(Signed) THOMAS HUTSON.

Sworn before me, at the custom-house, Liverpool, in the county of Lancaster, this 28th day of March, 1863.

(Signed) S. PRICE EDWARDS, *Collector.*

[Inclosure 14 in No. 1.]

Affidavit of Matthew Maguire.

I, Matthew Maguire, of Doran's lane, Liverpool, in the county of Lancaster, agent, make oath and say as follows:

1. On Saturday, the 7th of March instant, I was at the launch of the vessel which took place at Messrs. W. C. Miller & Sons' yard, and which vessel was named the Alexandra by Mrs. Miller. She is about 145 feet long, and about 120 tons.

2. There were present Mr. Prioleau, a member of the firm of Fraser, Trenholm & Co.; Captain Tessier, who, previous to her being launched, examined her carefully [227] *from the stage; a Mr. Hamilton, a clerk of the firm of Fraser, Trenholm & Co., who is almost [always]with Captain Bullock, (who accompanied Captain Butcher who commanded the Alabama when she left this port for part of her voyage, and then returned to this country, where he is now;) two other clerks of Messrs. Fraser, Trenholm & Co.; a Mrs. Duguid, the wife of Captain Duguid, who took out the Oreto in the first instance; and some other ladies.

Since the vessel was laid down I have been in communication with the men working on her, and various other men going to the yard of Messrs. Miller & Sons, and I have been from time to time told by them, as also by the gateman at the yard, and one of Messrs. W. C. Miller & Sons' apprentices who was working on her, that she was a gun-boat, and was being built for the confederates or Southerners as some called them.

I know Captain Duguid who took out the Oreto, and from information which I have obtained I verily believe that the said Captain Duguid is coming home, and will be here shortly for the purpose of taking out this vessel.

The vessel Alexandra is now in the Toxteth dock here, and is being fitted out with her engines, which come from Messrs. Fawcett, Preston & Co., who are the same people who supplied and fitted the Oreto's engines. The ship is being fitted out for sea with great activity and rapidity, and I say that I verily believe that she will be ready for sea in a short time.

(Signed) MATTHEW MAGUIRE.

Sworn before me at the custom-house, Liverpool, in the county of Lancaster, this 28th day of March, 1863.

(Signed) S. PRICE EDWARDS,
Collector.

No. 2.

Earl Russell to Mr. Adams.

PEMBROKE LODGE, *March* 31, 1863.

SIR: I have the honor to acknowledge the receipt of your letter, with inclosures, dated 30th March, 1863, and received at the foreign office this morning.

I shall take care to transmit immediately your letter and the depositions and letter of instructions to the proper departments of the government.

I am, &c.,
(Signed) RUSSELL.

No. 3.

Mr. Hammond to Mr. Hamilton.[1]

FOREIGN OFFICE, *March* 31, 1863.

SIR: I am directed by Earl Russell to transmit to you a copy of a letter from Mr. Adams, inclosing a copy of a letter from Mr. Dudley, the United States consul at Liverpool, together with a number of depositions taken before the collector at Liverpool,[2] going to show that a steamer, called the Alexandra, is being fitted out at that port for the purpose of carrying on war against the United States. Mr. Adams also submits, for Lord Russell's consideration, another note from Mr. Dudley, transmitting copies of certain papers which, Mr. Adams states, appear to prove quite conclusively the relation of certain persons in Liverpool, whose names appear therein, to the insurgent authorities of the United States.

Lord Russell has lost no time in referring Mr. Adams's note and its inclosures for the consideration of the law-officers of the Crown; but I am, in the mean time, to request that you will move the lords commissioners of Her Majesty's treasury to instruct the commissioner of customs to adopt whatever steps can legally be taken in view of the circumstances thus brought to the knowledge of Her Majesty's government by Mr. Adams.

I am, &c.,
(Signed) E. HAMMOND.

[228] *P. S.—I am to acknowledge the receipt, since this letter was written, of your letter of this day, inclosing a report from the commissioner of customs, with other documents respecting the case of the Alexandra. Such of the papers furnished by Mr. Adams as are copies of those now forwarded by you are accordingly not transmitted

E. H.

No. 4.

Mr. Hamilton to Mr. Hammond.

[Immediate.]

TREASURY CHAMBERS,
March 31, 1863. (Received March 31.)

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you the inclosed report from the commissioners of customs, with the accompanying documents, relating to a vessel

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[1] A similar letter was addressed to the home office.

[2] No. 1.

named the Alexandra, which is suspected to be fitting at Liverpool for the service of the Confederate States of America.

I am to request that you will lay the same before Earl Russell for such directions as he may be pleased to give thereon.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 4.]

Mr. Edwards to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, March* 28, 1863—*Saturday Evening.*

HONORABLE SIRS: I have just received the inclosed letter from the American consul at this place, as also six affidavits, with a view of showing that a vessel, called the Alexandra, is being built and prepared by Messrs. Miller & Sons for the use of the Confederate States government.

The particulars of the vessel are given in the accompanying report from Mr. Morgan, the surveyor. My own impression is, that the ship is intended for the confederate government, and, in order to prevent her being taken away from the port until I receive the directions of the board, a watch will be placed upon her. She will not, however, be fit to sail for some weeks, though the apprehension of the consul is that she may be towed away in an unfinished state.

Respectfully, &c.,
(Signed) S. P. EDWARDS.

[Inclosure 2 in No. 4.]

Mr. Dudley to Mr. Edwards, March 28, 1863; *inclosing six affidavits.*

[See inclosures 8 to 14 in No. 1.]

[Inclosure 3 in No. 4.]

Mr. Morgan to Mr. Edwards.

LIVERPOOL, *March* 28, 1863.

SIR: I beg to report that a screw-steamer, built by Mr. W. C. Miller, is now lying in the Toxteth dock, which, it is rumored, is intended for the so-styled confederate government. She is well-adapted for a small gun-boat, and her dimensions are as follows: Length, 125 feet; breadth, 22 feet; depth, 9 feet; register tonnage, 83.34. Agreeably with your directions a special watch has been placed over her, and she will be detained until further instructions. She is known as the Alexandra.

Very respectfully, &c.,
(Signed) E. MORGAN,
Surveyor.

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[229] *No. 5.

Mr. Bruce to Mr. Hammond.

[Immediate.]

WHITEHALL, *April* 1, 1863. (Received April 1.)

SIR: I have laid before Secretary Sir George Grey your letter of the 31st ultimo and its inclosures, respecting a steamer called the Alexandra, which is being fitted out at Liverpool for the purpose, as it is alleged, of carrying on war against the United States, and also respect-

ing the relation of certain persons in Liverpool, whose names are stated, to the insurgent authorities of the United States. And I am to transmit to you, for the information of Earl Russell, the inclosed copy of a letter which has been addressed to the mayor of Liverpool in pursuance of his lordship's request.

I am, &c.,
(Signed) H. A. BRUCE.

[Inclosure in No. 5.]

Mr. Bruce to the mayor of Liverpool.

[Immediate.]

WHITEHALL, *April* 1, 1863.

SIR: I am directed by Secretary Sir George Grey, to transmit to you the inclosed copy of a letter from the foreign office, with the papers referred to therein, and I am to request that you will cause immediate inquiries to be made as to the Alexandra, in order to ascertain whether she is being equipped, furnished, fitted out, or armed with the intention of being employed in the service of the so-styled Confederate States, with intent to commit hostilities against the Federal Government of the United States; and that if this should appear to be the case, that you will adopt whatever steps can legally be taken in this matter.

I am also to request that you will inquire into the other matters brought under the notice of Earl Russell by the minister of the United States in his letter of the 30th ultimo, and as instructions have been sent to the officers of customs at Liverpool with reference to the circumstances brought before Her Majesty's government by Mr. Adams, I am to suggest that you should communicate with those officers as to the measures which it may be practicable to adopt.

The accompanying documents being sent in original, I am to request that you will return them when they are no longer required.

I am, &c.,
(Signed) H. A. BRUCE.

No. 6.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 3, 1863.

SIR: With reference to my letter of the 31st ultimo, I have the honor to inform you that the secretary of state for the home department has instructed the mayor of Liverpool to cause immediate inquiries to be made, with the view of ascertaining whether the Alexandra, denounced by you in your letter of the 30th ultimo, is being equipped, furnished, fitted out, or armed, with the intention of her being employed in the service of the so-called Confederate States, with intent to commit hostilities against the Federal Government of the United States; and if this should appear to be the case, the mayor is further instructed to adopt whatever steps can legally be taken in the matter.

I am, &c.,
(Signed) RUSSELL.

No. 7.

The law-officers of the Crown to Earl Russell.

[Extract.]

TEMPLE, *April* 4, 1863. (Received April 4, 3 p. m.)

We are honored with your lordship's commands signified in Mr. Ham-

mond's letter of the 31st March ultimo, stating that he was di-
[230] rected by your lordship to *transmit to us a letter from Mr. Adams, dated the 30th March ultimo, inclosing a copy of a letter from Mr. Dudley, the United States consul at Liverpool, together with a number of depositions taken before the collector at Liverpool, going to show that a steamer called the Alexandra is being fitted out at that port, for the purpose of carrying on war against the United States. Mr. Adams also submitted, for your lordship's consideration, another note from Mr. Dudley, transmitting copies of certain papers, which Mr. Adams stated appear to prove, quite conclusively, the relation of certain persons in Liverpool, whose names appear therein, to the insurgent authorities of the United States.

Mr. Hammond also stated that your lordship had lost no time in transmitting copies of the papers to the treasury and home office, with the request that the authorities at Liverpool might be instructed to adopt whatever steps can legally be taken in view of the circumstances thus brought to the knowledge of Her Majesty's government; and Mr. Hammond was pleased to request that we would take Mr. Adams's letter, and its inclosures, into our consideration, and favor your lordship, at our earliest convenience, with such observations as we might have to offer thereupon.

In obedience to your lordship's commands, we have taken Mr. Adams's letter and its accompanying papers into our consideration, and have the honor to report—

That we regard this case as fairly raising an important question as to the true construction of the seventh section of the foreign enlistment act, which we think it would be proper for Her Majesty's government, on this opportunity, (under all the circumstances of the case,) to bring to trial.

The words of the act are, "If any person shall equip, furnish, fit out, or arm, or attempt, or endeavor to equip, furnish, fit out, or arm, or procure to be equipped, furnished, fitted out, or armed, or shall knowingly aid or assist, or be concerned in the equipping, furnishing, fitting out, or arming of any ship or vessel, with intent, or in order that such ship or vessel shall be employed in the service of any foreign power," &c., the penalties of the act shall be incurred. It is to be observed that what is prohibited is the "fitting out," with the particular intent, and that no specific mode of fitting out is pointed at. The intent constitutes the gist of the offense; and any fitting out, with the illegal intent, would appear to be illegal. Then the question is, whether the evidence above referred to is not in itself (if credited) enough to show a "fitting out," with the prohibited intent? We are not aware of any decision upon the construction of this section of the statute which can rule that question; and it seems to us to be one which Her Majesty's government ought not to assume in the negative without a trial, when the intent (as in this case) is shown by sufficient *prima facie* evidence.

Independently of this view, there remains a further question, whether the character of the construction and fitting out of the Alexandra, as described in the depositions of O. R. Mumford, and others, is not within the fair meaning of the words of the statute, supposing that any particular kind of fitting out ought to be proved? This also appears to us to be a question which, when the intent (as in this case) sufficiently appears, ought not to be assumed in the negative by Her Majesty's government without a trial. On this point there is also an absence of English judicial authority; but we infer, from the decision of the Supreme Court of the United States in the United States *vs.* Quincy, (6 Peters's

Supreme Court Cases, pp. 448, 449, 450, 465, 466,) that a similar question would probably be resolved by that court in the affirmative, if it were to arise upon the construction of the corresponding statute of the United States.

It is clear that, within the meaning of the act, there may be a "fitting out," without "arming," and, properly, each expression, "equipment," "furnishing," "fitting out," "arming," ought to be construed as capable of a distinct meaning.

Upon these grounds, we advise Her Majesty's government to act upon the representations made to them, and the evidence furnished by Mr. Adams, and to direct the Alexandra to be seized under the foreign-enlistment act.

No. 8.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *April* 4, 1863.

SIR: I am directed by Earl Russell to transmit to you herewith, to be laid before the lords commissioners of Her Majesty's treasury, a copy of report received this afternoon from the law-officers of the Crown,[1] [231] by which their lordships will perceive *that they recommend that the vessel Alexandra, which formed the subject of Mr. Adams's representations of the 30th of March, of which a copy was sent to the treasury on the following day, as soon as possible after it was received, and of your letter of the 31st of March, should immediately be seized under the foreign-enlistment act.

I pursuance of the opinion thus given by the law-officers, I am to request that you will move the lords commissioners of Her Majesty's treasury to issue orders that the Alexandra should be seized at once, and to instruct their lordships' solicitor to give directions to the law-officers of the Crown to take all the steps they may think necessary to procure the trial and conviction of the persons engaged in fitting out the vessels.

I return to you, herewith, the inclosures in your letter of the 31st of March.

I am, &c.,
(Signed) E. HAMMOND.

No. 9.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 5, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday, inclosing a deposition made by a person named Yonge, respecting the Alabama and her proceedings.

I have, at the same time, the honor to acquaint you, with reference to your letter of the 30th ultimo and to mine of the following day, that orders have been sent to Liverpool for the seizure of the Alexandra, the

[1] No. 7.

vessel to which you called my attention as intended to be employed in the naval service of the so-called Confederate States.

I have accordingly to request that you will have the goodness forthwith to instruct the United States consul at Liverpool to place at the disposal of the persons who may be employed in collecting evidence on the part of the Crown, all such information as he may now possess, or may hereafter require, tending to establish the guilt of the parties concerned in the Alexandra, against whom proceedings may be taken under the foreign-enlistment acts.

I am, &c.,
(Signed) RUSSELL.

No. 10.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 6, 1863. (Received April 7.)

MY LORD: I have the honor to acknowledge the reception of your lordship's note of the 5th instant, in answer to mine of the 30th ultimo, making certain representations in regard to the character of a vessel in Liverpool known as the Alexandra. It is with the most lively satisfaction that I learn the decision of Her Majesty's government to detain that vessel. Believing that such an act at the present moment is calculated to defeat the sanguine hopes of the common enemies of both nations to sow the seeds of dissension between them, I shall remit no effort to procure all the information possible to support it. To that end I have, agreeably to your lordship's suggestion, sent the necessary instructions to the consul of the United States at Liverpool, to put himself in communication with the authorities designated at that place to pursue the subject.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

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[232] *No. 11.

Mr. Shelley to Mr. Hammond.

TREASURY CHAMBERS, *April* 6, 1863. (Received April 7.)

SIR: With reference to your letter of the 4th instant, inclosing copy of an opinion of the law-officers of the Crown, in which they recommend that the ship Alexandra, fitting out at Liverpool, should be seized for a breach of the foreign-enlistment act, I am commanded by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Lord Russell, copy of a report from the commissioners of customs, and of its inclosure, detailing the steps taken for seizing the Alexandra, in accordance with the desire of the secretary of state, as expressed in your said letter, together with a copy of their lordships' minute of the 6th instant thereon. I am to add that, as soon as my lords shall have received the opinion of the law-officers on the points raised by the customs officer at Liverpool, as detailed in these papers, they will communicate further with you.

I am, &c.,
(Signed) SPENCER SHELLEY.

[Inclosure 1 in No. 11.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *April* 6, 1863.

SIR: With reference to my letters of the 30th ultimo and 2d instant, respecting the vessel Alexandra, which vessel is suspected of being fitted at Liverpool for the service of the Confederate States of America, and to your letter of the 1st instant on the subject, I am desired to state that, at 12 o'clock on Saturday night, the 4th instant, the deputy chairman of this board received a letter from Mr. Hammond, under-secretary of state for foreign affairs, addressed to Sir Thomas Freemantle, transmitting the inclosed official letter to the treasury, with copy of the opinion of the law-officers of the Crown, advising the seizureof the vessel under the foreign-enlistment act, and signifying the request of Earl Russell that the lords commissioners of Her Majesty's treasury would issue orders for the vessel to be seized at once, and instruct their solicitor to give directions to the law-officers of the Crown to take all steps they may think necessary to procure the trial and conviction of the persons engaged in fitting out the vessel.

I am further directed to state that Sir Thomas Freemantle being absent from town, the deputy chairman, bearing in mind the authority conveyed in your letter of the 1st instant, proceeded immediately to the telegraphic station at Knightsbridge; but finding it as well as the one in Regent street closed, he was unable to take any steps in the matter until yesterday (Sunday) morning; when, soon after 8 o'clock, he proceeded to your residence and that of Mr. Peel, to take your directions on the subject; but finding you were both out of town, he considered it his duty, with reference to the authority conveyed in your letter of the 1st, above referred to, and to the apprehension which had been expressed by the American consul at Liverpool that the Alexandra might be towed down the river in an unfinished state, to telegraph to the collector at Liverpool, directing the seizure of the vessel.

This morning the deputy chairman has received a report of her detention, a copy of which report I transmit herewith, and adverting to the new and important feature in the case now stated by the collector, viz, that the vessel has been measured for registry as a British ship, and the request of the collector to be informed whether it will be competent for him to refuse a registry, and if registered and duly cleared, she should be further detained, I am to suggest whether their lordships may not be pleased to obtain the further opinion of the law-officers of the Crown on these points, and acquaint the board with the result for their government, at their earliest convenience.

I am at the same time to request that the board may be informed whether it is the pleasure of their lordships that the legal steps in the case be taken by their lordships' solicitor, or by the solicitor of customs, as usual in similar cases of detention.

I am, &c.,
(Signed) F. G. GARDNER.

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[233] *[Inclosure 2 in No. 11.]

Mr. Edwards to Mr. Goulburn.

CUSTOM-HOUSE, *Liverpool, April* 5, 1863.

SIR: According to the instructions contained in the inclosed telegram, received from you about noon to-day, I directed the surveyor, Mr. Morgan, to seize the new ship Alexandra, and he has done so, as evidenced by his letter herewith transmitted.

The vessel will not be fit for sea for a fortnight at least; she has no port-holes, and there is nothing to denote that she is to carry guns, save her strength in point of construction. She is, I believe, to be registered as a British ship, for she has been measured for the purpose.

Being under seizure, will it be competent for me to refuse registry?

If registered and duly cleared is she detainable, having, as yet, committed no offense against any law, as far as I am competent to judge? The board's directions will be needed on these points.

I am, &c.,
(Signed) S. PRICE EDWARDS.

[Inclosure 3 in No. 11.]

Mr. Morgan to Mr. Edwards.

LIVERPOOL, *April* 5, 1863.

SIR: I beg to report that at noon to-day I seized the screw-steamer Alexandra, under the foreign-enlistment act, agreeably with your directions, issued upon the receipt of the telegram from a member of the honorable board.

(Signed) E. MORGAN, *Surveyor.*

[Inclosure 4 in No. 11.]

Treasury minute, dated April 6, 1863.

Transmit the whole of these papers to the solicitor, with instructions for him forthwith to take the opinion of the law-officers of the Crown, as suggested by Earl Russell, in regard to the further proceedings proper to be taken against the owners of the Alexandra and others, for a breach of the foreign-enlistment act, and more particularly with reference to the point raised by the customs officer at Liverpool, in regard to the effect which an application for a British registry for this vessel might have upon the right of detention under that act.

Write to the commissioners of customs, conveying to them my lords' entire approval of the course followed by the deputy chairman of the board, as detailed in the report of the 6th instant; state that the solicitor of the treasury has been instructed forthwith to procure the opinion of the law-officers of the Crown upon the points raised by the customs officers at Liverpool, and that so soon as that opinion has been obtained my lords will immediately communicate the same to the board of customs.

Add, with reference to the last paragraph of the customs report, that their lordships are of opinion, on consideration of the great importance of the case at issue, that the legal proceedings that may have to be taken, under the authority of the law-officers of the Crown in the matter, should be carried on by their lordships' solicitor, who will consult with the customs solicitor thereon.

Write to Mr. Hammond, in reply to his letter of the 4th instant, transmitting to him, for the information of Lord Russell, copies of the customs report of the 6th instant, and of its inclosure, together with copy of this minute, adding that my lords will apprise him so soon as they shall have received the opinion of the law-officers of the Crown on the points raised by the customs officer at Liverpool.

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[234] *No. 12.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 9, 1863. (Received April 9.)

MY LORD: Having received an opinion from eminent counsel that the evidence in the case of the Alexandra is sufficient to sustain proceedings for her condemnation, under the 6th section of the enlistment law, I pray your lordship to have the kindness to inform me whether the measures thus far adopted, or intended, on the part of Her Majesty's government in that case, would be in any way deranged by simultaneous action on the part of the United States in a different form. Should no inconvenience be apprehended, I am informed by the lawyers that they are ready to proceed.

I pray, &c.,

(Signed) CHARLES FRANCIS ADAMS.

No. 13.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 9, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, requesting to be informed whether the measures thus far adopted, or intended, on the part of Her Majesty's government in the case of the Alexandra, would be in any way deranged by simultaneous action on the part of the United States in a different form; and I beg to state to you that I have referred a copy of your letter to the lords commissioners of Her Majesty's treasury, and as soon as I receive their lordships' reply I shall have the honor of making a further communication to you on the subject.

I am, &c.,
(Signed) RUSSELL.

No. 14.

Mr. Shelley to Mr. Hammond.

TREASURY CHAMBERS,
April 9, 1863. (Received April 9.)

SIR: With reference to your letter of the 4th instant, and the reply of this board of the 6th instant, relating to the ship Alexandra, which has been seized at Liverpool for an alleged breach of the foreign-enlistment act, I am now commanded by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, a copy of the opinion of the law-officers of the Crown, upon the case submitted to them in accordance with the desire of the secretary of state.

I am, &c.,
(Signed) SPENCER SHELLEY.

[Inclosure in No. 14.]

Opinion of the law-officers of the Crown.

We think that Mr. Edwards should be instructed not to grant registry as a British ship to the Alexandra should such registry be required. Indeed, Mr. Edwards, in putting the question contained in his letter of 5th April, seems to have overlooked the important fact that the Alexandra is no longer in private hands, or under the dominion, in any sense, of private individuals, but is in the possession and under the sole control of the Crown, awaiting the judgment of the proper court.

We think that, on Her Majesty's government being furnished with reasonable evidence to affect particular individuals with a violation of the foreign-enlistment act in connection with the Alexandra, criminal proceedings ought to be instituted against such persons. At present, the only persons against whom *prima-facie* evidence has been obtained are the Messrs Miller, the builders, and perhaps Captain Tessier;
[235] *but, on this part of the case, it would be expedient to have fuller information, if possible, before coming to a final decision, especially having regard to the claim of ownership, now preferred on the part of Messrs. Fawcett, Preston & Co., of which we have been informed by the solicitor of the customs, and to which, of course, attention will be paid in any further stage of the proceedings.

(Signed) WM. ATHERTON.
ROUNDELL PALMER.
ROBERT PHILLIMORE.

TEMPLE, *April* 9, 1863.

No. 15.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 11, 1863.

SIR: I have the honor to acquaint you, with reference to your letter of the 9th of the month, that, in order that the law-officers of the Crown may be enabled to judge of the bearing which any proceedings which you might take on behalf of the Government of the United States, in the case of the Alexandra, would have on the proceedings of Her Majesty's government in the same case, they wish to be informed what they are to understand by the expression in your letter, "Simultaneous action on the part of the United States."

I have therefore to request that you will have the goodness to furnish me, at your earliest convenience, with an explanation on this point, for the information of Her Majesty's law-officers.

I am, &c.,
(Signed) RUSSELL.

No. 16.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 11, 1863. (Received April 11.)

MY LORD: Without incurring the delay necessary to consult with counsel in regard to the question which your lordship has done me the honor to propose to me in your note of this day, just received, I hasten to say that, by the terms of the seventh and eighth sections of the enlistment act, it would appear as if action could be taken both against the persons engaged in the offenses specified, and against the ships or vessels fitted out by them, or against either. In the one case, the proceedings would seem to be by indictment against the person for a criminal offense, while in the other the action might be against the vessel, and in a different court.

The purpose of the inquiry which I had the honor to make was rather to learn whether Her Majesty's government would desire any form of co-operation in the prosecution of this matter, than to embarrass them by specifying forms of action with which I am necessarily not familiar. Should it, however, be agreeable to the law-officers of the Crown to obtain more specific information in regard to the practical measures contemplated by the counsel retained on behalf of the Government of the United States, I shall be happy to procure it at as early a moment as may be practicable.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 17.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *April* 11, 1863. (Received April 11.)

SIR: With reference to the previous correspondence on the subject, I am directed by Secretary Sir George Grey to transmit to you here-

with, to be laid before Earl Russell, a copy of a letter from the
[236] town-clerk of Liverpool, inclosing a report of the head *constable, of the proceedings in reference to the vessels supposed to be fitting out at that port for the service of the so-called Confederate States.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure 1 in No. 17.]

Mr. Shuttleworth to Mr. Bruce.

TOWN HALL, *Liverpool, April* 8, 1863.

SIR: Referring to your communications on the subject of the vessels supposed to be fitting out at this port to act as privateers against the commerce of the United States, and to the reports from the police, forwarded to you on the 31st ultimo and 2d instant, I have now the honor, in the temporary absence of the mayor, to inclose a report just received from Major Greig, our head constable, which details the course which has been adopted by the mayor, who has instructed me to forward to you upon all occasions, with the least possible delay, any information which may be received, and this shall be carefully attended to, and the reports, as received from the head constable, forwarded to you at once.

I have, &c.,
(Signed) WM. SHUTTLEWORTH,
Town-Clerk.

[Inclosure 2 in No. 17.]

Police Report.

LIVERPOOL CONSTABULARY FORCE, CENTRAL POLICE OFFICE,
April 8, 1863.

The head constable has the honor to report, for the information of his worship the mayor, in reference to vessels believed to be fitting out in this port to act against the Federal Government of the United States of America, that, on the 28th ultimo, he addressed a communication to the American consul here, of which the following is a copy:

"SATURDAY, *March* 28, 1863.

"SIR: The mayor has placed in my hands a communication which he had received from the secretary of state for the home department, inclosing copy of a letter from the American minister to Earl Russell, who transmits therewith a letter from you to the minister, relative to the steamers called the Phantom and the Southerner. 'As to the Southerner, there is no doubt about this vessel.' I shall cause most careful inquiry to be made in reference to the vessels; but in reference to your words above quoted, I should be obliged if you would furnish me with the information on which your belief is founded.

"I am, &c.,
(Signed) "J. J. GREIG,
"*Head Constable.*

"To THOMAS H. DUDLEY, Esq.,
"*American Consul.*"

In furtherance of this object the head constable detailed two officers of the detective department to place themselves in communication with the consul, and make diligent inquiry into the matter, the results of which are contained in two reports, forwarded to his worship on the 30th and 31st ultimo. The detective constables continued their inquiries, communicating with the consul daily. On Thursday, the 2d instant, the head constable received a communication from the town-clerk, (with inclosures,) of which the following is a copy:

"TOWN HALL, *Liverpool, April* 2, 1863.

"MY DEAR SIR: Herewith I forward to you original communications received by the mayor this morning from the home office in reference to certain ships supposed to be fitting out at this port to act as vessels of war against the United States Government. You have previous communications upon the subject of other vessels, and I have only to suggest on behalf of the mayor, who is temporarily absent, that your utmost vigilance should be exercised in carrying out the views of Her Majesty's government

[237] to prevent any *breach of the law. Considering the importance of these questions, time does not admit of copies being taken of these communications, and I therefore forward to you the original documents received by the mayor, for which you must please hold yourself responsible, especially as you will observe that the inclosures are required to be returned to the home office.

"Yours, &c.,

(Signed) "WM. SHUTTLEWORTH,

"*Town-Clerk.*

"Major GREIG, *&c., &c., &c.*"

[Inclosures.]

"No. 1. April 1, 1863.—Letter from Mr. Bruce to the mayor.

"No. 2. March 30, 1863.—Letter from legation office, United States, to Earl Russell.

"No. 3. March 28, 1863.—Letter from American consul, Liverpool, to Mr. Adams, with documents from the collector of customs.

"No. 4. March 28, 1863.—Six documents in possession of G. H. Dudley.

"No. 5. March 31, 1863.—Letter from foreign office."

Inquiries were continued, and on Saturday, the 4th instant (in order that every possible attention might be paid to these important matters,) the constable detailed for this duty detective constable William Cozens, an officer of great experience in the detective department, whom he personally instructed to devote his whole time and use every effort in obtaining such evidence as would justify the authorities in interfering, for which purpose he placed in his hands the whole of the documents referred to, with directions to read them over most carefully, and then wait upon the town-clerk, and confer with that gentleman as to the nature and character of the evidence which would be necessary to establish a case against any party concerned, for a violation of the law. He was also directed to wait upon the American consul daily, to communicate any information he might have obtained, and to receive and act upon any instructions or suggestions that gentleman might have to offer, and to report daily, in a book kept specially for that purpose, in his own custody, for the information of the head constable. Appended is an epitome of the reports furnished by the officer up to this date.

April 4, (*Saturday.*)—The officer conferred with the two detective constables previously employed, and obtained from them such particulars as they were in possession of respecting the vessels in question. He also inspected the Alexandra, now lying in the Toxteth dock, and the Phantom, lying in the Clarence graving-dock, and finds, from the unfinished state of both vessels, that they cannot proceed to sea for at least several days, and the Southerner has not yet reached this port.

Monday, April 6, 1863.—From instructions received from the town-clerk, the officer, in his interview with the American consul this day, asked that gentleman the reasons of his arriving at the conclusion that there could be no doubt as to the Southerner, when he stated that he was prepared to produce a gentleman who will prove that he was told by one of the persons who built the Southerner, at Stockton-on-Tees, that she was built for Messrs. Fraser, Trenholm & Co., of Liverpool, who are well known as the financial agents at this port of the southern confederacy; and the peculiar build of the ship Southerner, as well as her unusual strength, induced Mr. Dudley to believe that she is intended to be used hostilely toward the Federal Government of the United States.

Mr. Dudley also informed officer that a Captain Davidson had arrived in Liverpool on Sunday from New York, as passenger by the Australasian, and that he is the same person who commanded the Georgiana, which left this port some months ago, to act as a privateer on behalf of the Confederate States, and which vessel was afterward armed with six guns, and has since been destroyed by the Federal forces. Davidson stated on the passage that he was coming over here to take charge of a vessel which was launched on or about the 15th ultimo, which vessel Mr. Dudley believed to be the Phantom, as she was launched about that date. Officer will endeavor to obtain Davidson's address, and watch his movements.

At noon this day the Phantom was removed from the Clarence graving dock into the Clarence basin, and is moored alongside the large crane, apparently for the purpose of receiving her machinery and engines.

This day officer has learned that the Alexandra has been seized by the customs, and officers placed on board in charge of her. The collector has promised to communicate to officer any matter which may require his immediate attention.

Tuesday, April 7.—Officer has this day been engaged conferring with the [238] *American consul, and Mr. Squarey, the consul's legal adviser, as to whether any and what steps should be taken against the Messrs. Miller, builders of the Alexandra, afterward with Mr. Squarey. Saw the town-clerk, who advised that no steps be taken until further evidence be obtained, and that any information of a relia-

ble character should be at once reported to the head constable, for his worship the mayor, in order that it may be laid before the home secretary. Captain Davidson is staying at the George Hotel, Dale street. Officer has again visited the Alexandra. Men are busily at work on board. Saw Mr. W. C. Miller and other gentlemen on board. Afterwards saw the town-clerk at his residence, and received further instructions from him as to Messrs. Fraser, Trenholm & Co.

In connection with the building and fitting out of these vessels, there are various rumors flying about among the workmen who are employed on board; but up to this date officer has not been able to obtain such distinct and reliable information upon which he could apply for a warrant; they are the merest rumors, and may or may not have truth for their foundation, but which he is not yet able to determine.

(Signed) J. J. GREIG, *Head Constable.*

No. 18.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *April* 13, 1863. (Received April 13.)

SIR: I am directed by Secretary Sir George Grey to transmit to you herewith a copy of a letter from the mayor of Liverpool, inclosing a copy of one received by him from the solicitors of Messrs. Fawcett, Preston & Co., relative to the seizure of the ship Alexandra; and I am to request that you will lay the same before Earl Russell, and move his lordship to inform Sir George Grey whether there is any objection to the depositions which were forwarded with the copy of Mr. Adams's letter to Earl Russell in your letter of the 31st ultimo, and which were sent to the mayor of Liverpool, being inspected by Messrs. Fawcett, Preston & Co.'s solicitors.

I am, &c.,

(Signed) H. WADDINGTON.

[Inclosure 1 in No. 18.]

Mr. Gardner to Mr. Bruce.

TOWN HALL, *Liverpool, April* 12, 1863.

SIR: I beg to forward herewith copy of letter I received yesterday afternoon from Messrs. Fletcher and Hull, the solicitors of Messrs. Fawcett, Preston & Co., relative to the seizure of the Alexandra at this port, belonging to Messrs. Fawcett, Preston & Co., and I should be obliged by your informing me, at your earliest convenience, whether I am to permit Messrs. Fletcher and Hull to inspect the depositions forwarded to me by you on the 1st instant, and which you are aware I have placed in the hands of our head constable, with a view to the fullest inquiries being made upon the subject.

I am, &c.,

(Signed) R. C. GARDNER, *Mayor.*

[Inclosure 2 in No. 18.]

Messrs. Fletcher and Hull to Mr. Gardner.

6 COOK STREET, *Liverpool, April* 11, 1863.

To the worshipful the Mayor of Liverpool:

SIR: You are aware that the screw-steamer Alexandra, belonging to Messrs. Fawcett, Preston & Co., now lying in the Toxteth dock in an unfinished state, has been seized by the collector of Her Majesty's customs on the orders of the government, and all the work-people turned out of the ship.

We are informed that this seizure has been made in consequence of sundry depositions made before the collector at the instance of the consul of the United
[239] States. *We have applied to the collector for an inspection of these documents, but he informs us that they are not in his possession.

We have, however, ascertained that copies of them have been sent to you, and as Messrs. Fawcett, Preston & Co. are anxious to complete this ship, and retain their work-people in their employment, we take the liberty, in order to save time, to request that you will give us a perusal of these documents.

We are, &c.,
(Signed) FLETCHER & HULL.

No. 19.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *April* 15, 1863.

SIR: I am directed by Earl Russell to transmit to you copies of a letter and its inclosure, from the home office,[1] respecting an application made to the mayor of Liverpool by Messrs. Fletcher & Hull, the solicitors of Messrs. Fawcett, Preston & Co., to be allowed to see the depositions on which the screw-steamer Alexandra has been seized by the custom-house authorities; and I am to request that you will move the lords commissioners of Her Majesty's treasury to favor Lord Russell with their opinion as to whether this application should be complied with.

I am, &c.,
(Signed) E. HAMMOND.

No. 20.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
April 18, 1863. (Received April 18.)

SIR: With reference to your letter of the 15th instant, and its inclosures, from the home office, respecting an application made to the mayor of Liverpool by Messrs. Fletcher & Hull, the solicitors of Messrs. Fawcett & Preston, to be allowed to see the deposition on which the screw-steamer Alexandra has been seized by the custom-house authorities, I am desired by the lords commissioners of Her Majesty's treasury to state, for the information of Earl Russell, that the law-officers of the Crown have expressed the opinion that it would not be proper to comply with the application of Messrs. Fletcher & Hull, the present proceedings being under the seventh and not under the fifth section of the foreign-enlistment act.

I am to request that you will move Earl Russell to communicate this opinion to Sir George Grey accordingly.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[1] No. 18.

No. 21.

Mr. Hammond to Mr. Waddington.

FOREIGN OFFICE, *April* 18, 1863.

SIR: With reference to your letter of the 13th instant, I am directed by Earl Russell to transmit to you, to be laid before Secretary Sir George Grey, a copy of a letter from the treasury,[1] stating that the law-officers of the Crown have expressed the opinion that it would not be proper to comply with the application of the solicitors of Messrs. Fawcett & Preston, to be allowed to see the depositions on which the screw-steamer Alexandra has been seized by the custom-house authorities at Liverpool.

I am, &c.,
(Signed) E. HAMMOND.

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[240] *No. 22.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 23, 1863.

SIR: I have the honor to state to you that, having communicated to the proper department of Her Majesty's government the explanation contained in your letter of the 11th instant with regard to the "simultaneous action" which you had proposed to take in regard to the proceedings in the case of the Alexandra, I am informed that before any definite answer is returned to that proposal, it is considered desirable that you should furnish Her Majesty's government with the "more specific information" alluded to in your letter.

I am, &c.,
(Signed) RUSSELL.

No. 23.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 25, 1863. (Received April 26.)

MY LORD: I beg to say, in reply to your lordship's note of the 23d, received last evening, that I shall take immediate measures to procure the information desired by Her Majesty's government. So soon as it is received I shall do myself the honor to transmit it.

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

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[1] No. 20.

No. 24.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 28, 1863. (Received April 29.)

MY LORD: I have the honor to transmit a copy of a letter received from Messrs Duncan, Squarey, and Blackmore, to whom I have referred for advice in regard to my response to the inquiry which your lordship did me the honor to address to me on the 23d instant, together with the inclosure therein. I am led to the conclusion, for the reasons given in this letter, that it would not be advisable now to propose on the part of my Government to take an active part in the prosecutions connected with the Alexandra. I am the more confirmed in this opinion from the fact that I have reason soon to expect more specific directions from Washington in connection with the management of the questions involved in the proceedings that may be taken in the courts.

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 24.]

Messrs. Duncans, Squarey, and Blackmore to Mr. Wilding.

LIVERPOOL, *April* 27, 1863.

DEAR SIR: We copy the correspondence between Mr. Adams and Lord Russell which you left with us this morning.

Two distinct processes are pointed out by the foreign-enlistment act—one against the vessel with a view to its condemnation; the other against the persons implicated in fitting out the vessel, who are to be deemed guilty of a misdemeanor punishable by fine and imprisonment. The expediency of proceeding criminally against the parties engaged in fitting out the Alexandra was discussed on several occasions by the writer with Mr. Hamel, the solicitor to the board of customs, when that gentleman was at Liverpool; and the conclusion arrived at, in which Mr. Dudley fully concurred, was, that unless, in the opinion of the law-officers of the Crown, it was legally necessary to get the vessel condemned, that there should be a previous conviction for misdemeanor of the parties implicated in fitting her out, it was not expedient in this
[241] *instance to proceed criminally against the parties implicated. The reason why such proceedings were not thought expedient was, that it was considered that the evidence, though perhaps sufficient to support proceedings in London for the condemnation of the vessel, might prove insufficient to procure a conviction at Liverpool of the parties implicated, and that an unsuccessful prosecution would prejudice the chance of getting the vessel condemned, which would unquestionably be the case. We may add that we have always understood from Mr. Dudley that it was the opinion of Mr. Adams and himself that the criminal proceedings against individuals should be instituted by the government of this country, and not by or on behalf of the Government of the United States. We inclose a copy of a letter addressed by us to Mr. Hamel on the 20th instant.

Yours, truly,
(Signed) DUNCANS, SQUAREY, AND BLACKMORE.

[Inclosure 2 in No. 24.]

Mr. Squarey to Mr. Hamel.

10 WATER STREET, *Liverpool, April* 20, 1863.

MY DEAR SIR: Your letter of the 17th instant was handed to me in due course by Mr. Beverly.

I am not in a position at present to place before you any further evidence; but it is

probable that some additional information may be obtained, in which case I will communicate with you.

The American consul has written to the United States for evidence of the capture and detention of Federal vessels by the Alabama and the Florida, and for the original letters from Mr. Memminger and Mr. Mallory, showing Messrs. Fraser, Trenholm & Co.'s connection with the Confederate government, with proof of the handwriting of such letters.

You may rely absolutely upon this evidence being forthcoming.

I have had an opportunity of discussing with the consul the questions, at our interview on Thursday last, and I may state that, although the Government entertains a strong opinion that parties implicated in the offenses against the foreign-enlistment act should be prosecuted by the British government, the consul concurs in the expediency, in this instance, of seeking the forfeiture of the vessel rather than the conviction of offending parties.

If, however, the law-officers of the Crown should consider that the prosecution of the parties is legally necessary in order to the condemnation of the vessel, or that it is otherwise expedient, the consul is prepared to render every assistance in his power in any such prosecution.

Having regard to the great difficulty of procuring such evidence as one would wish to obtain in support of the proceeding for the condemnation of this vessel, I feel very strongly that it may be necessary and proper to disregard the ordinary rule against calling unwilling witnesses, and to compel the attendance on the trial of parties from the establishment of Messrs. Fraser, Trenholm & Co., and Messrs. Fawcett, Preston & Co., with such books and papers as may contain information as to the circumstances under which the vessel was ordered to be built, and the mode in which she has been paid for. This, I am aware, would be a bold, and perhaps to some extent, a dangerous course, but it must be remembered that the case is exceptional, and I think it may deserve consideration whether Captain Tessier, Captain Duguid, Captain Bullock, and some of the principals in the above-mentioned firms, and the Messrs. Miller, should not also be subpœnaed.

I have accertained that the advance-notes given to the crew of the Oreto, when she sailed from Liverpool, were made payable at Messrs. Fawcett, Preston & Co.'s office, and there is, I believe, no doubt that those gentlemen furnished the armament of that vessel and of the Alabama.

If I can assist you at any time, let me know, and I will at once come to town.

Yours, &c.,

(Signed) A. F. SQUAREY.

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[242] *No. 25.

Mr. Hammond to Mr. Hamilton.[1]

[Immediate.]

FOREIGN OFFICE, *April* 29, 1863.

SIR: I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of Her Majesty's treasury, copies of a letter and its inclosures from Mr. Adams,[2] stating his determination not to take an active part in the prosecution of the Alexandra.

I am, &c.,

(Signed) E. HAMMOND.

[For the summing up of the lord chief baron of the exchequer in the trial of this vessel, the verdict of the jury for the defendants, and the four judgments of the full court of exchequer on the motion for a new trial, see Vol. III.]

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[1] A similar letter was addressed to the home office. [2] No. 24.

No. 26.

Mr. Peel to Mr. Hammond.

TREASURY CHAMBERS,
November 28, 1864. (Received November 30.)

SIR: With reference to your letter of the 15th instant, relative to the payment of damages claimed by the owners of the Alexandra, I am directed by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copies of a report which they have received from the commissioners of customs, and of their lordships' minute thereon.

I am, &c.,
(Signed) F. PEEL.

[Inclosure 1 in No. 26.]

The commissioners of customs to the lords commissioners of the treasury.

CUSTOM-HOUSE, *November* 26, 1864.

MY LORDS: Mr. Hamilton having signified by his letter, dated the 16th instant, that, with reference to our solicitor's report of the 14th ultimo as to the amount of damages claimed by the owners of the vessel Alexandra, which was seized under the orders of Her Majesty's government, he was commanded by your lordships to transmit to us copy of a letter from the foreign office, dated 15th instant, with copy of the opinion of the law-officers of the Crown on this subject, and to request that, in conformity with the opinion of the law-officers, our solicitor might be instructed to settle the claim for damages, amounting to £6,370 3*s.* 6*d.*, made by Messrs. Preston, Fawcett & Co. in respect of the seizure of the Alexandra, by payment of any sum not exceeding £4,000. We report—

That, on receipt of your lordships' order, we gave the necessary instructions to our solicitor accordingly, and that officer has now reported that, after various interviews with the solicitors for the claimants of the Alexandra, he has arranged with them for the settlement of their claims for damages and costs by payment of £3,700, on the understanding that the amount shall be paid without delay, viz:

Damages	£2,500
Costs	1,200
Total	3,700

being therefore £300 less than the sum specified in your lordships' order, and we submit whether your lordships may not be pleased, as in former cases, to direct that our solicitor be furnished with a draft for the amount.

(Signed) GRENVILLE C. L. BERKELEY.
W. R. GREY.

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[243] [Inclosure 2 in No. 26.]

Treasury minute, dated November 28, 1864.

Transmit the papers to the solicitor, and direct him to pay out of law-charges to Mr. Felix Hamel, solicitor to the customs, the sum of £3,700, in order that the same may be paid by Mr. Hamel to Messrs. Preston, Fawcett & Co., or their agents, in final settlement of claims on their part for damages and costs in the suit arising from the seizure of the Alexandra, a proper receipt for the same to be taken.

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*PART II.

MARY, (OR ALEXANDRA.)

PART II. Part II

No. 1.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *October* 3, 1864. (Received October 4.)

SIR: I am directed by Mr. Secretary Cardwell to request that you will lay before Lord Russell the accompanying copy of a dispatch from the lieutenant-governor of Nova Scotia, forwarding copy of his correspondence with the United States consul at Halifax with reference to an application addressed to him by that officer to prevent a British steamer called the Mary, formerly the Alexandra, being equipped as a privateer in that port. Correspondence

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 1.]

Lieutenant Governor Sir R. Macdonnell to Mr. Cardwell.

GOVERNMENT HOUSE, *Halifax, September* 15, 1864.

SIR: I have the honor to report that, on the 10th instant, I received the inclosed letter, addressed by the United States consul to the provincial secretary, informing him that a British steamer called the Mary was then in this port, the same which had been so well known as the Alexandra, the cause of so much litigation in the British courts.

The consul requested this government to take measures to prevent the Mary from being equipped as a privateer, stating merely that he had reason to believe such was the purpose of her visit to this port.

2. You will observe that I decline subjecting a British vessel to any special surveillance on such a vague statement of mere suspicion, unsupported by a single proof or suggestion of proof.

3. I may add, however, that I have not neglected to obtain such information as I could to satisfy myself of the possible intentions of the owners of the Alexandra. I am assured, through an officer employed by the admiral to inspect the vessel, and I have reliable information from other sources, that, although strongly built and a fair sailer, the Mary is quite unfitted to be used as a privateer, having only a speed of four miles under steam.

4. Whatever, therefore, may have been the original destination of the vessel, she appears to have entirely disappointed her owners; and I understand there is no probability of her being fitted out either as a privateer or blockade-runner. She will, perhaps, be employed as an ordinary merchant-vessel.

I have, &c.,
(Signed) RICHARD GRAVES MACDONNELL.

[248] *[Inclosure 2 in No. 1.]

Mr. Jackson to Mr. Tupper.

CONSULATE OF THE UNITED STATES OF AMERICA AT HALIFAX,
Nova Scotia, September 10, 1864.

SIR: I have the honor to call your attention to the arrival in this port of the British steamer Mary, formerly the Alexandra, so long the subject of litigation before the

British court, and to state that the steamer has come to this port, as I have reason to believe, for the purpose of taking in arms and completing her equipments as a privateer, in violation of law, to prey upon the commerce and property of the United States.

I have, therefore, respectfully to request that you will be pleased to take such measures as shall effectually prevent the consummation of such unlawful purposes.

I have, &c.,
(Signed) M. M. JACKSON,
United States Consul.

[Inclosure 3 in No. 1.]

Mr. Thorne to Mr. Jackson.

PROVINCIAL SECRETARY'S OFFICE, HALIFAX,
September 14, 1864.

SIR: I have laid before his excellency the lieutenant-governor your letter of Saturday, the 10th instant, representing that a British steamer called the Mary is now in this harbor, and that you have reason to believe that she is here for the purpose of taking in arms and completing her equipment as a privateer.

You state that the Mary was known formerly as the Alexandra, but supply no information regarding her to justify his excellency in subjecting the Mary to any special surveillance. Under these circumstances I am now instructed to inform you that none of the orders of the Queen defining the rights of belligerent vessels or privateers within the territorial jurisdiction of Her Majesty are applicable to a vessel British owned, and against which nothing further is alleged than a vague suspicion, for which no adequate reason is assigned.

His excellency, nevertheless, in his desire to prevent transactions by Her Majesty's subjects which might wear even the semblance of hostility toward a nation with which the Queen's government has the satisfaction of maintaining friendly relations, has made such inquiry as was consistent with his duty into the probable future destination of the Mary. His excellency has much pleasure in stating that his inquiries hitherto afford no reasonable ground for supposing that there is any foundation for the suspicions to which you advert.

I have, &c.,
(Signed) JAS. H. THORNE, *Deputy Secretary.*

No. 2.

Sir F. Rogers to Mr. Hammond.

[Immediate.]

DOWNING STREET, *January* 9, 1865. (Received January 9.)

SIR: I am directed by Mr. Secretary Cardwell to transmit to you, for the consideration of Earl Russell, the inclosed copies of dispatches from the lieutenant-governor and governor of the Bahamas, reporting the seizure at Nassau of the steamer Mary, formerly called the Alexandra, on the ground that she was being equipped as a war-steamer for the service of the Confederate States.

Mr. Cardwell would be glad to be informed (if possible in time to communicate with the colony by the mail of the 14th instant) whether Lord Russell approves of the course pursued by the governor in this matter; and he would request that, as requested by the colonial attorney-general, the opinion of the law-officers of the Crown should be obtained, with the least practicable delay, for the guidance of the colonial government in the further proceedings to be taken with regard to the vessel.

I am, &c.,
(Signed) FREDERIC ROGERS.

[249] *[Inclosure 4 in No. 2.]

Lieutenant-Governor Nesbitt to Mr. Cardwell.

GOVERNMENT HOUSE, *Nassau, December* 7, 1864.

SIR: I have the honor to transmit for your information copies of the following documents in connection with our relations with the United States of America:

1. Dispatch from Mr. J. H. Burnley, dated at Washington, 8th October, 1864, received by me on the evening of the 3d instant, with copy of dispatch from the Secretary of State for the United States relative to vessels at Nassau suspected of being fitted out for piratical purposes.
2. Copy of a memorandum sent by me, in consequence, to receiver-general and treasurer of this colony for his guidance.
3. Copy of a communication, dated 5th December, 1864, received by me on the afternoon of the above date from the United States consul at Nassau, in reference to the steamer Mary, formerly the Alexandra, suspected of being fitted for belligerent purposes.
4. Communication sent by me to the attorney-general in consequence.
5. Attorney-general's reply to above communication.
6. Instructions sent by me to the receiver-general, with attorney-general's letter.
7. Receiver-general's first report.
8. Reply to letter of consul of United States of 5th instant.
9. Acknowledgment of the above reply by consul of the United States.
10. Receiver-general's second report after searching steamer Mary, late Alexandra.
11. Attorney-general's report after perusing receiver-general's report.
12. Letter from myself to consul of the United States, informing him of what had been done in relation to his letter about the steamer Mary, late Alexandra.
13. Report of receiver-general in reply to my minute of the 3d instant.

I have, &c.,
(Signed) R. C. NESBITT.

[Inclosure 2 in No. 2.]

Mr. Burnley to Lieutenant-Governor Nesbitt.

WASHINGTON, *October* 8, 1864.

SIR: I have the honor to inclose a copy of a note of the 6th instant, which I have received from the Secretary of State of the United States, requesting me to invite the attention of the authorities of the Bahamas to the proceedings of insurgent agents engaged in fitting out vessels at Nassau, New Providence, with a view to piratical operations against the commerce of the United States.

I have, &c.,
(Signed) J. HUME BURNLEY.

[Inclosure 3 in No. 2.]

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, October 6, 1864.

SIR: Information has been received at this department that the agents of the insurgent enemies of the United States are engaged in fitting out vessels at Nassau, New Providence, with a view to piratical operations against the commerce of the United States. The steamer Hope, which sailed on the 23d of August last from that port, bound for Wilmington, is represented to be a vessel of that character.

I will thank you to invite the attention of the proper colonial authorities to the matter, with a view to the prevention of such enterprises.

I have, &c.,
(Signed) W. H. SEWARD.

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[250] *[Inclosure 4 in No. 2.]

Memorandum for receiver-general and treasurer.

GOVERNMENT HOUSE, *Nassau, December* 3, 1864.

I have this day received a dispatch from J. H. Burnley, esq., Her Majesty's chargé d'affaires at Washington, dated October 6, 1864, stating that he had received a note

from the Secretary of State of the United States, requesting him to invite the attention of the authorities of this colony to the proceedings of insurgent agents engaged in fitting out vessels at Nassau, New Providence, with a view to piratical operations against the commerce of the United States.

The Secretary of State for the United States mentions that the steamer Hope, which sailed on the 23d of August last from Nassau, bound for Wilmington, is represented to be a vessel of that character.

I have, therefore, to request the receiver-general for any information which he may possess in regard to the character of the steamer Hope, or in repect to any other vessels now or lately in the port of Nassau, that have been or are being fitted for warlike instead of commercial purposes; and that he will be so good as to make me a formal report on the subject, which I may communicate to Her Majesty's government and to Her Majesty's minister at Washington, and also, if necessary, to the attorney-general of the colony.

(Signed) C. R. NESBITT,
Lieutenant-Governor.

P. S.—As the celebrated vessel Alexandra, under the name of the Mary, is in this port, I should like the receiver-general in his report to allude to her and state what is the present character of that vessel, so far as he is aware.

C. R. N.

[Inclosure 5 in No. 2.[1]]

Mr. Kirkpatrick to Lieutenant-Colonel Nesbitt.

UNITED STATES CONSULATE,
Nassau, New Providence, December 5, 1864.

DEAR SIR: I have the honor to call your attention to the arrival at this port of the Alexandra, now the Mary, (of whose arrival you have doubtless been informed,) and to say to your excellency that I have every reason to believe, and do believe, that she is intended for war purposes, and to destroy the merchant-vessels of the United States, and has now mounted one or more guns of very heavy, [caliber;] one at least, I understand, is certainly mounted and covered over with a bag, looking like merchandise to [a casual] observer. I trust you will cause a [strict] examination to be made of [this vessel, in view] of the [neutrality] which was put forth in Her Majesty the Queen's proclamation, as well as other action which has been taken by your [excellency,] to maintain that [neutrality] in regard to this [vessel] as well as others. By the manifest of her cargo, as returned to the custom-house here, a copy of which I send you, you will perceive that what cargo she has is of a very suspicious character, and confirms my belief in the statement made, that she is, to all [intents] and purposes, an armed vessel. The following is her manifest as returned, with the marks and directions:

Marks.		
J. R. H	2 cases	
O. C	3 cases	
J. R	3 cases	
	4 bales	
S. P. N	1 case	Not to be landed.
H. H	1 bale	
	2 cases	
P. N	1 cask	
J. R. H	2 cases	
	1 box	

In addition to this I would state that several boxes of shells were put on board of her last week in this harbor.

I doubt not, upon receiving this information, your excellency will cause immediate steps to be taken to vindicate the [neutrality of the British government] and
[251] *maintain the friendly relations existing between them and the government of the United States of America.

I have, &c.,
(Signed) THOMAS KIRKPATRICK.

N. B.—Since writing the above I have learned of several attempts to procure seamen in this city to go on board of a privateer, meaning the Mary.

T. K.

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[1] The passages in brackets were left blank in the copy received.

[Inclosure 6 in No. 2.]

Minute sent to attorney-general, with Mr. Kirkpatrick's letter of December 5, 1864.

I shall be obliged to the attorney-general to, as promptly as possible, advise on what course should be adopted in this matter. I wrote to the receiver-general on Saturday to report to me upon the character of this vessel, and of other vessels in the port, in consequence of the accompanying communication, which I received on that day from Her Majesty's chargé d'affaires at Washington, and which I now send for the attorney-general's perusal.

With respect to the Alexandra, *alias* Mary, if there is any action which he would advise as necessary to carry into effect Her Majesty's proclamation, referred to by the consul of the United States, I authorize him, on behalf of Her Majesty, to take all necessary steps for preventing a breach of such proclamation by that vessel.

(Signed) C. R. NESBITT,
Administrator of Government.

[Inclosure 7 in No. 2.]

The attorney-general to Governor Nesbitt.

ATTORNEY GENERAL'S OFFICE,
Nassau, December 5, 1864.

SIR: In reference to your honor's memorandum just received, I advise that the receiver-general be instructed at once to search the Mary, for the purpose of ascertaining whether she has any arms or ammunition on board, as reported by the consul.

I will report further on the case, but send this now, as requiring immediate action.

I have, &c.,
(Signed) G. C. ANDERSON.

[Inclosure 8 in No. 2.]

Instructions to receiver-general.

With reference to my previous communication, under date of the 3d instant, I have to instruct the receiver-general in accordance with the advice of the attorney-general, to cause immediate search to be made on board the steamer Mary, for the purposes mentioned by the attorney-general, and to report, as soon as practicable, to the attorney-general and myself.

(Signed) C. R. NESBITT.
DECEMBER 5, 1864.

[Inclosure 9 in No. 2.]

Lieutenant-Governor Nesbitt to Mr. Kirkpatrick.

GOVERNMENT HOUSE,
Nassau, December 5, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of this date, at 2.15 p. m., and in reply to inform you that I had already called the attention of the
[252] receiver-general and treasurer to the steamer Mary, late Alexandra, with the *view of obtaining from him a report as to her character being other than for commercial purposes.

Since the receipt of your letter, I have directed the receiver-general to at once search the vessel, with the view of ascertaining and promptly reporting the facts which may be ascertained on such search, for the guidance of the law-officers of the Crown and myself.

I have, &c.,
(Signed) C. R. NESBITT,
Lieutenant-Governor.

[Inclosure 10 in No. 2.]

Mr. Kirkpatrick to Lieutenant-Governor Nesbitt.

UNITED STATES CONSULATE,
Nassau, New Providence, December 6, 1864.

SIR: I had the honor to receive this morning your excellency's answer to mine of yesterday, and I desire to thank you for the promptness exhibited by you in directing

an investigation as to the character and purposes of the Mary, late Alexandra, before you received my communication, and, upon its receipt, for your immediate order to search her, and report the facts for your excellency's action. I have since learned that the search was made, (to be followed up by a more thorough one to-day,) and resulted in her having been found, upon such investigation, to be of the character I represented her.

It will give me sincere pleasure in laying before my Government the promptness with which you have acted in thus vindicating this attempted violation of [neutrality] as set forth in the proclamation of Her Majesty the Queen, and it will be convincing evidence to them of the desire and determination of the officers of Her Majesty to maintain and continue those friendly relations which highly exist, [*sic,*] and which I shall earnestly endeavor to cultivate.

I have, &c.,
(Signed) THOMAS KIRKPATRICK.

[Inclosure 11 in No. 2.]

Mr. Dumaresq to Lieutenant-Governor Nesbitt.

[Immediate.]

RECEIVER GENERAL'S OFFICE,
December 6, 1864—9 a. m.

SIR: I have the honor to report that immediately on receiving your honor's minute, late last evening, I proceeded to inspect the steamer Mary, late the Alexandra, now at anchor in this harbor, and personally superintended the search for arms, &c., when, on having a large case in the after-hold opened, I discovered a gun, (I believe a 12-pounder,) with carriage and appurtenances complete.

As it was too late to take any further steps in the matter, I placed two officers of this department in charge of the vessel, and propose instituting a further search this morning, in the fore-hold, the result of which I will at once communicate to your honor.

I have, &c.,
(Signed) JOHN D'A. DUMARESQ,
Receiver-General.

[Inclosure 12 in No. 2.]

Mr. Dumaresq to Lieutenant-Governor Nesbitt.

[Immediate.]

RECEIVER GENERAL'S OFFICE,
Nassau, New Providence, December 6, 1864.

SIR: I have the honor to report that I have again visited the steamer Mary, late Alexandra, and find on a further examination of the gun, referred to in my letter of this day's date, that it is merely a small field-piece, and could not be used at sea. The fore-hold has been searched, and found to contain principally cases of wine and brandy; there is, however, one case, about three feet square, which appears to contain shell or shot, and as the agents have volunteered to land, not only this package but
[253] *the gun in question, submit that the vessel may be released from further detention on their doing so.

I have, &c.,
(Signed) JOHN D'A. DUMARESQ,
Receiver-General.

[Inclosure 13 in No. 2.]

Opinion of the attorney-general.

In re steamship Mary, late Alexandra.

There are so many peculiarities in the past history of this vessel that it behooves the government to be watchful of her, and, at all events, to be careful not to allow her to quit this port with any munitions of war on board which may enable her to be converted at sea into a cruiser.

In the authorized report of what is popularly known as the "Alexandra case," she is thus referred to by the lord chief baron: "The evidence for the Crown clearly estab-

lished the warlike character of the vessel. It was not at all adapted for commerce, but was capable of being adapted for warlike purposes; and though it might have been used as a yacht, according to the evidence of Captain Inglefield, it was in all probability intended to be used by the so-called Confederate States as a vessel of war when adapted for that purpose by their suitable equipments and fittings-up being furnished."

With the foregoing description before me, had the gun found by the receiver-general been one which could have been used on board of her, or if, as alleged by the American consul, but which I understand to be negatived by the receiver-general, shell had been conveyed on board of her since her arrival in this port, I should have unhesitatingly advised her seizure and detention until the circumstances connected with her had been reported to the secretary of state.

The course thus indicated would doubtless have been surrounded with some difficulties, and the result might have been uncertain, but I should have considered the circumstances to be of so suspicious a character as to warrant strong measures. After, however, reading the second letter of the receiver-general, I defer to the opinion therein expressed, with the reservation that, not only should the agents land the gun and case particularly mentioned by the receiver-general before the vessel is released from restraint, but that a trusty officer of the revenue should be kept on board during the further stay of the vessel in this port, to watch and report on the proceedings of the parties belonging to her.

I beg further to report that I have been in communication this morning with the American consul, and have invited him to put me in possession, from time to time, of any information he may receive of acts constituting violations of the foreign-enlistment act.

I now return the papers forwarded to me, and advise that the consul be officially notified of our proceedings in the matter complained of by him and the result.

(Signed) G. C. ANDERSON,
Attorney-General.

[Inclosure 14 in No. 2.]

Lieutenant-Governor Nesbitt to Mr. Kirkpatrick.

GOVERNMENT HOUSE, *Nassau, December* 6, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of this date, and to express my gratification at its courteous tone.

I have now to acquaint you that since my last communication to you I received a report from the receiver-general, dated at 4 o'clock this morning, informing me that, agreeably to my instructions, received late on the previous evening, he had proceeded to inspect the steamer Mary, late the Alexandra, at anchor in this harbor, and personally superintended the search for arms, &c., when, on having a large case in the after-hold opened, he discovered a gun, (he believed a 12-pounder,) with carriage and appurtenances complete.

The receiver-general added that, as it was too late to take any further steps, he had placed two officers of his department in charge of the vessel, and proposed instituting a further search this morning in the fore-hold, the result of which he would at once communicate to me.

[254] This afternoon I received a second report from the receiver-general, stating that he had again visited the steamer Mary, late Alexandra, and found, on a further examination of the gun referred to in his previous report, that it is merely a small field-piece, and could not be used at sea.

The receiver-general added that the fore-hold had been searched and found to contain principally cases of wine and brandy; that there was one case, however, about three feet square, which appears to contain shell or shot, and that as the agents have volunteered to land not only this package, but the gun in question, he submitted that the vessel may be released from further detention on their doing so.

I referred your letter with these reports to Her Majesty's attorney-general of this colony who, referring to and quoting from the decision in the case of the Alexandra in England, has stated in his report to me thereon that, had the gun found by the receiver-general been one which could have been used on board the Mary, or if, as alleged by you, but which he understood to be negatived by the receiver general, shell had been conveyed on board of her since her arrival in this port, he would then have unhesitatingly advised her seizure and detention until the circumstances connected with her had been reported to the secretary of state.

The attorney-general added, however, that the course thus indicated would have been surrounded with some difficulties and the result might have been uncertain; but he should have considered the circumstances to be of so suspicious a character as to warrant strong measures; but that, after reading the second letter of the receiver-gen-

eral, he deferred to the opinion therein expressed, with the reservation that not only should the agents land the gun and case particularly mentioned by the receiver-general before the vessel is released from restraint, but that a trusty officer of the revenue should be kept on board during the further stay of the vessel in this port, to watch and report on the proceedings of the parties belonging to her.

I now beg to state for your further information that, adopting the attorney-general's report, I have instructed the receiver-general accordingly.

In conclusion, I desire to assure you of my sincere desire to prevent in this colony any violation of Her Majesty's proclamation of neutrality, and to maintain and cultivate those friendly relations which happily exist between the government of Her Majesty and of the United States.

I have, &c.,
(Signed) D. R. NESBITT.

[Inclosure 15 in No. 2.]

Mr. Dumaresq to Lieutenant-Governor Nesbitt.

RECEIVER-GENERAL'S OFFICE,
Nassau, New Providence, December 7, 1864.

SIR: I have the honor to report with reference to your honor's minute of the 3d instant, that, to the best of my knowledge and belief, no vessels have been fitted out at Nassau for piratical operations against the commerce of the United States; and, viewing the strict regulations in force to prevent the slightest infringement of Her Majesty's proclamation, as far as this port is concerned, I do not think any proceedings of this nature could actually take place without being immediately brought under your honor's notice.

On the first arrival of several steamers reports have been circulated, without the slightest foundation, as to their ultimate conversion or appropriation for warlike purposes, such, for instance, as the steamship Hope, referred to in Mr. Seward's dispatch of the 6th of October last to Her Majesty's chargé d'affaires at Washington, and which steamer has since been captured off Wilmington, with a general cargo on board, by the blockading squadron of the United States, thus effectually disposing of the question of her having been fitted out here as a privateer.

Another steamer, however, the Mary, late the Alexandra, has recently arrived at Nassau with a few packages of merchandise from Bermuda, having, externally, all the appearance of a gun-boat, and from her previous history, has occasioned many conflicting reports as to her true character, which have resulted in the official inquiry instituted in obedience to your honor's instructions and now pending.

I refrain, therefore, from further allusion to her case in this letter, merely
[255] adding *that, in accordance with the general practice at this port, her hatches were sealed up by the boarding-officer as soon as practicable after her arrival.

I have, &c.,
(Signed) JOHN D'A. DUMARESQ,
Receiver-General.

[Inclosure 16 in No. 2.]

Lieutenant-Governor Nesbitt to Mr. Cardwell.

GOVERNMENT HOUSE, *Nassau, December* 8, 1864.

SIR: With reference to my dispatch of the 7th instant, I have the honor to forward for your information copies of further correspondence which has occurred in relation to the steamer Mary, late Alexandra, and to add that, in accordance with the advice of the attorney-general, I authorized the receiver-general to grant the permission asked for by the agents of the vessel to land her cargo and thus prevent the vessel leaving this port with munitions of war on board.

I have, &c.,
(Signed) C. R. NESBITT.

P. S.—I beg to add the copy of a further letter which I have this day received from the United States consul, together with my reply thereto, based on the accompanying report of the attorney-general of this date.

C. R. N.

[Inclosure 17 in No. 2.]

Mr. Dumaresq to Lieutenant-Governor Nesbitt.

[Immediate.]

RECEIVER-GENERAL'S OFFICE, *December* 7, 1864.

SIR: With reference to your honor's minute of yesterday's date, subjoining an extract from the report received from the attorney-general in the case of the Mary, late the Alexandra, I have the honor to submit that, previous to the release of the vessel in question, the officer in command of the royal artillery at this port may be requested to inspect the gun and report thereon for your honor's information as to the feasibility of its being used for naval purposes. I am the more anxious that the opinion of some competent person should be taken on the subject as I have this day made a further search on board the Mary and have discovered a bale containing sixty hammocks, stowed away in the after-hold with the gun; also a box in the fore-hold, in which there are a number of keys for unscrewing the side-lights, now covered over on the outside with sheet-copper or tin; and further, I remark that a number of carpenters are employed in fitting up additional accommodation below for the crew. Viewing this, therefore, in connection with the fact that she has scarcely any stowage-space for cargo, I deem it right again to solicit your honor's instructions in the matter, and at the same time to submit the inclosed application from Messrs. Henry Adderley & Co., the agents of the vessel, for the discharge of the cargo now on board

I have, &c.,
(Signed) JOHN D'A. DUMARESQ,
Receiver-General.

[Inclosure 18 in No. 2.]

Messrs. Adderley & Co. to Mr. Dumaresq.

NASSAU, NEW PROVIDENCE, *December* 8, 1864.

SIR: We beg permission to land the cargo of the steamship Mary.

Yours, &c.,
(Signed) HENRY ADDERLEY & CO.

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[256] *[Inclosure 19 in No. 2.]

Colonel Moffat to Lieutenant-Governor Nesbitt.

BRIGADE OFFICE, *Nassau, December* 8, 1864.

SIR: In reply to your communication of this date, relative to the steamer Mary, now in th is port, I have the honor to acquaint you that, in compliance with your request the officer commanding the royal artillery has been sent on board by me and made his report, which I now inclose.

I have, &c.,
(Signed) ROWLAND MOFFAT.

[Inclosure 20 in No. 2.]

Lieutenant Almon, R. A., to Colonel Moffat.

ROYAL ARTILLERY OFFICE,
Nassau, December 8, 1864.

SIR: I have the honor to inform you that, in compliance with your order, I have inspected the gun on board the steamer Mary. This gun being of a different form from any that I am acquainted with, I cannot speak with any certainty as to the use to which it may be applied. The gun is rifled, and I should say at the most not more than a 12-pounder gun. From the form and construction of the carriage I consider it just feasible that the gun might be used for naval purposes.

I have, &c.,
(Signed) E. ALMON.

[Inclosure 21 in No 2.]

Opinion of the attorney-general.

I have perused the accompanying papers, and advise that the permission asked for by the agents of the vessel to land the cargo be granted. This will, at any rate, prevent the vessel from leaving this port with munitions of war on board.

(Signed) G. C. ANDERSON.

Copy sent to the receiver-general for his information and guidance with reference to his second report and the letters of the officer commanding the royal artillery relative to the gun found on board of the Mary, late Alexandra.

(Signed) C. R. NESBITT.

DECEMBER 8, 1864.

[Inclosure 22 in No. 2.]

Colonel Moffat to Lieutenant-Governor Nesbitt.

BRIGADE OFFICE, *Nassau, December* 8, 1864.

SIR: At the request of the officer commanding the royal artillery, I have the honor to forward the inclosed letter in reference to his report made this day, after visiting the steamer Mary, in compliance with instructions from the colonial government.

I have, &c.,

(Signed) ROWLAND MOFFAT.

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[257] *[Inclosure 23 in No. 2.]

Lieutenant Almon, R. A., to Colonel Moffat.

ROYAL ARTILLERY OFFICE,
Nassau, December 8, 1864.

SIR: With respect to my report of this day's date, concerning the gun on board the steamer Mary, I have the honor to inform you that although—and at your order—I have given my opinion concerning it, I nevertheless do not consider that any reliance can be placed on this opinion, as none but a naval officer is capable of giving any opinion on the points proposed to me.

I have, &c.,

(Signed) E. ALMON.

[Inclosure 24 in No. 2.]

Mr. Kirkpatrick to Lieutenant-Governor Nesbitt.

UNITED STATES CONSULATE,
Nassau, December 8, 1864.

SIR: Your favor of the 6th instant was received yesterday, in answer to mine of the same day, in which you give the details of your action and instructions to the receiver-general, as regards the search and seizure of the Mary, late Alexandra, with your final action, and that of the attorney-general upon receiving a second report from the receiver-general.

I deeply regret that what was so auspiciously began and followed up, by finding the articles on board of her, and which proved her to be, to all intents and purposes, an armed ship for an unlawful purpose, should be thus hastily disposed of. In your letter you state that the attorney-general says in his report to you, "that had that gun found by the receiver-general been one which could have been used on board the Mary," &c. May I ask your excellency (for I have not seen either report) who decided that it was not a gun that could be used at sea for such a vessel? I aver that it was such a gun, and even if only a field-gun, it was just as effective for her purpose in bringing-to unfortunate merchant-vessels as any other, and to be used for firing from her deck over her bulwarks, which are extremely low, as shown in evidence upon her trial for

breach of neutrality in England. That I further aver that more guns can be found, or could have been, than the one spoken of; that shell, muskets, and a large quantity of hammocks were found; that one of the other guns had the carriage complete; and I understand that three other brass rifled-guns were found, or were on board. No one pretends that this vessel is fit for, or intended for, any other purpose than what I have pointed out. I regret the haste in deciding this matter, the more that I have every reason to believe that your excellency has been led into an unintentional error as to the search and the articles found, and other evidence which could have been obtained of persons in this city asking men to ship on this vessel; and when asking for what place or purpose, the answer is for a "cruise." Can any other than one construction be put upon such language when applied to her? I have every reason to believe, and I do believe, that when it became known that she would probably be searched, that her consignees were apprised of it, and changes were made or suggested to meet this state of things. That that gun found was mounted upon her deck, covered over with a box, on Monday and up to the time above indicated; that it was then hoisted over her side into a boat, and placed in her hold, when it was found; but it appears she is to be released upon landing this gun and shell, and with the precaution that some one is to be kept on board of her while here. Why land the gun and shell if all is right, and she is released? If they are freight, as alleged, then they are legitimately there, according to decision. Does it not amount to this: we believe you to be guilty, but we will release you if you will consent to land this gun and shell. You can keep your other guns, keep your muskets, keep the large amount of hammocks, and other articles used only for warlike purposes, and go upon your errand of destruction. If these articles are freight and are to be removed, why was this course not taken with other steamers—the Hope, Caroline, Colonel Lamb, Laurel, and others, who, it was known, had guns and munitions of war on board? If they, like this, are deemed not freight, I submit a different course should have been taken. Is the other gun, with its carriage-slides and bolts, ready to be placed in position, less contraband than the one to come on shore? Like the Oreto, she may go to some friendly island and equip more fully, as is understood she is to do.

[258] *I did not intend in this communication to discuss the questions involved. I shall leave that in abler hands than mine. I shall submit the whole case to my Government, with such further evidence as I may have, or be able to procure. I simply protest against the hasty action based upon a partially revealed state of facts. Whatever may be the result, I feel that it is through no act of mine. I have earnestly endeavored to cherish and maintain the friendly existing relations between the two countries, and desired, as the receiver-general knows, that all these cases should be inquired into in a quiet way by the colonial authorities themselves, in order to avoid, as far as possible, those irritations which will, sometimes from slight causes, produce misunderstandings. And it was not until I saw that the merchants of my country were in great danger of having their property on the seas destroyed by this piratical vessel, that I deemed it my duty to draw your excellency's attention to it.

I have, &c.,

(Signed) THOMAS KIRKPATRICK.

[Inclosure 25 in No. 2.]

Lieutenant-Governor Nesbitt to Mr. Kirkpatrick.

GOVERNMENT HOUSE, *Nassau, December* 9, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 8th instant.

As it would be inconvenient and irregular to enter into a discussion on the propriety of the course of action which I have adopted in the matter referred to in your letter, I must beg to decline doing so.

At the same time I beg to assure you that if you are in possession of any evidence tending to show that any violation of the municipal law has taken place in respect to the steamer Mary, late Alexandra, and will submit to me your proofs for consideration, prompt measures will be taken to vindicate the law, should such proofs be of a nature to justify the adoption of proceedings, either for the arrest of the vessel, or the prosecution of any party or parties who may be indicated by you.

I have, &c.,

(Signed) C. R. NESBITT.

[Inclosure 26 in No. 2.]

Governor Rawson to Mr. Cardwell.

GOVERNMENT HOUSE, *Nassau, December* 14, 1864.

SIR: I have the honor to report that yesterday, with the entire concurrence of my attorney-general, I ordered the seizure of the British steamer Mary, late the Alexandra, for a violation of the foreign-enlistment act.

2. The late lieutenant-governor's dispatches, dated the 7th and 8th instant, contain the commencement of a correspondence with the United States consul at this port, who had represented that the above steamer, which arrived in this harbor on the 29th ultimo, had guns and munitions of war on board, and was intended for warlike purposes, with a view to destroying the merchant-vessels of the United States. I annex to this dispatch the further correspondence up, I hope, to its conclusion.

3. On the morning after my arrival the attorney-general placed in my hands a letter from the United States consul, received on the previous day, which had been referred to him by the lieutenant-governor, and informed me that after having considered it, and communicated personally with the consul, he was of opinion that he could not take action in the case upon such information as the consul had given, or was prepared (as far as he could learn from him) to give. I requested him to furnish me with this opinion in writing, and I procured the previous correspondence from the colonial secretary, which has already been transmitted to you. I also communicated with the receiver-general, from whom I learned certain particulars not referred to in his reports, or made known to the attorney-general, and the important fact that his search had not been complete; that certain packages seen in the fore-hold had not been examined or displaced, and that he could not answer for their contents.

4. I therefore ordered the packages to be landed, opened, and examined, and I lost no time in perusing the printed records of the proceedings in the English
[259] courts *respecting the seizure of this vessel, which have assisted me greatly in coming to a decision upon the present occasion.

5. The next morning the packages were examined and the receiver-general reported to me their contents. The attorney-general, when he was informed of this discovery, agreed with me, and the colonial secretary concurred in the opinion, that no time should be lost in seizing the vessel and her discharged cargo, and in putting officers of customs on board, with a guard, which was furnished by the military authorities, as there is not any ship of war in the harbor. The vessel has since been moved down to the ordnance warf, where she lies, in charge of the customs, and within hail of the military.

6. I will now enumerate the ascertained grounds of suspicion against this vessel:

1st. Upon the first search a rifled 12-pounder gun, with carriage, &c., complete, was found in the aft-hold. It is stamped with the names of Fawcett, Preston & Co., the parties concerned in the action prosecuted in England.

2d. This gun was, as stated by the United States consul in his letter of the 8th instant, removed immediately before the search of the vessel, put overboard into a boat, and placed in the after-hold. There is little doubt that the agents had become aware of the consul having obtained information, and made some representation to the government. I am assured that it is impossible they could have been aware of the intention to search the vessel, as this was acted upon by the receiver-general himself, as soon as it was directed by the lieutenant-governor.

3d. A bale of sixty hammocks was found, which the agents state are not part of the cargo, and which have been lately opened and aired, as if required for early use. The Alexandra is reported to have had stowage for a crew of thirty-two men; thirty-one were discharged here on her arrival. Since then, and ever since the first search was made, carpenters have been on board preparing an additional number of berths, at least twenty, of which four are for officers.

4th. A case of handles for screws to open the side-lights, which are at present closed, and covered over outside with metal, has been found.

5th. Among the cases opened this morning are:

One of shells.

One of grape-shot.

One of drugs and lint.

One of scrubbing-brushes, tin cans, &c.

Three of iron racks for hammocks, for which fittings are let into the bulwarks, as noticed on the trial.

One of small brass wheels, apparently for working the screw of a gun.

One of confederate flags and boat ensigns and pennants, log lines, &c.

One of private effects, belonging to Mr. J. R. Hamilton, whose cards are in it, styling him a lieutenant of the Confederate States navy, and which contains military and naval books relating to the confederate service, log-books, ledgers, naval printed forms, charts, a case of surgical instruments, forty-eight packages of tourniquets, one blank

commission of the Confederate States, &c. This is doubtless the Mr. Hamilton referred to by Her Majesty's attorney-general on the trial in England.

6th. All the above packages were placed in the fore-hold, under a number of cases of wine and brandy, which concealed them, and misled the receiver-general on his first visit.

7th. They were taken on board at Bermuda as ordinary merchandise.

8th. I have as yet no evidence in confirmation of the statement of the United States consul that the parties interested in this vessel have been endeavoring to enlist seamen for a "cruise," or giving bounties to obtain such seamen.

9th. But it appears to me that the facts above detailed furnish sufficient proof of the character of the vessel, and of the intentions of the parties having control over her. Referring to the ruling of the courts in the case of the Alexandra, I find that all that was judged to be wanting on the former occasion to prove the case of the Crown is present on this, and that all which the lord chief baron pointed out as necessary to constitute a violation of the foreign-enlistment act is now present.

10th. It is unnecessary to recapitulate the evidence of the unfitness of the Alexandra, when seized, for commercial purposes, and of her adaptation for warlike objects. The receiver-general states that she is still in the same condition; that she is not adapted to carry cargo, to be employed as a blockade-runner, or to be used in these seas for any peaceable purpose.

11th. The Alexandra was not armed, but the Mary has taken on board at
[260] *Bermuda, with apparent attempts at concealment in this port, a gun, shell, grape-shot, hammocks, racks for hammock-nettings, and other articles of a warlike character, with instruments for opening her side-lights, and so fitting and arming her. In this port she has been further fitted out by the preparation of additional sleeping-places, apparently for a larger number of men than she could require for commercial purposes, and of a description not suited for passengers.

12th. All these arms, munitions, and fittings, the medical apparatus, and the flags and papers of the Confederate States, prove the warlike character of the equipment, and the intent to employ the vessel to cruise and commit hostilities; while the nationality of the flags and papers, the contents of Lieutenant Hamilton's box, and the presence of the vessel in these waters, indicate the service in which she was about to engage.

13th. I trust, therefore, that what I have done will be approved, and that I may be furnished with instructions as to my further proceedings. I inclose the attorney-general's report as to the legal measures which he proposes to adopt, (see inclosure No. 9,) and I would call your particular attention to the concluding paragraph of it, in which he requests the advice and assistance of Her Majesty's law-advisers in this important and delicate matter.

14th. I shall write to Her Majesty's minister at Washington, informing him of the seizure, and to the vice-admiral at Halifax, acquainting him with my proceedings, and requesting him to send a ship of war to this port without delay, to hold possession of the vessel, and to be prepared to remove her if she should be condemned, or to adopt such other steps as Her Majesty's government may direct; and I would take this opportunity of urging most strongly on Her Majesty's government the necessity for having a ship of war constantly stationed in this harbor during the continuance of the present war on the neighboring continent.

I have, &c.,
(Signed) RAWSON W. RAWSON.

[Inclosure 27 in No. 2.]

Mr. Kirkpatrick to Lieutenant-Governor Nesbitt.

UNITED STATES CONSULATE,
Nassau, December 9, 1864.

SIR: I have the honor to acknowledge the receipt of your favor of this day's date. You say, "that if I have any evidence tending to show that any violation of the municipal law has taken place in respect to the steamer Mary, late Alexandra, and will submit to me (you) your proofs for consideration, prompt measures will be taken to vindicate the law, should such proofs be of a nature to justify the adoption of proceedings, either for the arrest of the vessel or the prosecution of any party or parties who may be indicated by you," &c.

I thank your excellency for the offer made, and if you would indicate what additional evidence is required I would respectfully consider what my duty should be in regard to it. I have no power to compel the attendance of witnesses to give evidence, even if it was proper for me to do so. My information comes to me in most cases strictly confidential, or from parties who, if known, would be ruined in their business; some of

whom may be getting their livelihood from parties interested in these very violations spoken of. Should I be called upon to furnish proof of the violation of the municipal laws of this colony? Should it not rather be the duty of some one in some department of the government to obtain information as to the vindication of their own law? Nevertheless, if such officer as you may indicate will call upon me, I will furnish him the names of parties, confidentially, who may be able to put the officers in possession of information. But I still think that sufficient evidence will be furnished by the search, if completed, of the vessel to more than sustain what the law-officer, the honorable attorney-general, thought to be sufficient, taken in connection with the known character and purposes of the vessel in question.

I have, &c.,
(Signed) THOMAS KIRKPATRICK.

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[261] *[Inclosure 28 in No. 2]

Mr. Dumaresq to Governor Rawson.

[Immediate.]

RECEIVER-GENERAL'S OFFICE,
December 13, 1864—1 p. m.

SIR: I have the honor to report, for your excellency's information, that this morning, immediately on the landing of the cargo, ex-Mary, late Alexandra, I directed all the packages to be opened in my presence, and found the marks, numbers, and contents of each to be as follows:

PH. 1 cask, containing scrubbing-brushes, tin cans, &c.

JR¼. 2 cases, containing iron hammock-racks.

JR 3. 1 case of ditto; and handles for screws of side-lights.

OC. 1 case containing a gun and carriage, with appurtenances complete, designed by Messrs. Fawcett, Preston & Co., of Liverpool, with flat iron tray or slide for the gun and body of carriage to traverse on; this gun is the subject of a former report.

OC 2. 1 case containing shell.

OC 3. 1 case of grape-shot.

TRH 3. 1 case containing six trap-wheels, about 6 inches in diameter, apparently handles such as are used for working the screw of a gun.

TRH½2. 2 cases of stationery.

HH 2. 1 case containing confederate flags, viz, ship and boat ensigns, and pennants; log-line bolts of canvas, &c.

SDH 2. 1 case of drugs, lint, &c.

TRN. 1 case of private effects, consisting of military and naval books in relation to the confederate service, having the name of Hamilton on the fly-leaves; 48 packages of tourniquets; 1 blank confederate commission; charts; a case of surgical instruments, &c.; 1 bundle of hammocks, about sixty, (partially examined.) Also 2 small iron carronades and carriages, (belonging to ship.)

With reference to the cases marked JR, 1 to 3, I have respectfully to state that the hammock-racks are all of a size, and that I have had one of them placed in the staples on the bulwarks of the Mary, which it exactly fits.

It is my duty further to add that since the date of my last report of the 7th instant, four new berths have been completed in the after-hold, where the gun and carriage above referred to were found; and sixteen additional ones in the forecastle; so that, independent of the after-deck berths for the officers of the ship, she has now thirty-two berths for seamen, besides the sixty hammocks.

I have, &c.,
(Signed) JOHN D'A. DUMARESQ.

[Inclosure 29 in No. 2.]

The attorney-general to Governor Rawson.

ATTORNEY-GENERAL'S OFFICE,
Nassau, December 13, 1864.

May it please your excellency:

Having considered the verbal report made by the receiver-general in the presence of your excellency, the colonial secretary, and myself, at your excellency's office this day, of the result of his search of the steamship Mary, late Alexandra, I am of opinion that the various articles found on board of her, combined with the alterations which have been made in the vessel since her arrival at this port, are so strongly indicative of an

intention on the part of the persons having charge of her to equip and arm her for warlike purposes, that she ought not to be allowed to quit the port without a thorough legal investigation having been made into the circumstances connected with her, and I therefore advise that the receiver-general, as the chief revenue officer of the colony, be instructed at once to seize her, on the ground that the master and other persons having control over her have equipped and armed her, or have attempted to equip and arm her, in contravention of the statute 59, Geo. III, cap. 69, commonly known as the foreign-enlistment act.

I also advise that the several articles found by the receiver-general, and considered as denoting the warlike character of the vessel, be taken possession of by that officer, and retained in safe custody, to abide the result of the legal proceedings to be instituted in the case.

In giving the foregoing advice I am aware that the case is surrounded with [262] some *difficulties, and that the possibility of the result of legal proceedings may be adverse to the course advised by me, but considering the character of the vessel, and the suspicious nature of the articles found on board of her, and of the alterations recently made in her, I feel bound to take on myself the responsibility of advising her detention rather than incur the risk of allowing her to quit this port, with the probability or, at any rate, the possibility, of her being immediately converted into an engine for destroying the commerce of a friendly nation.

I submit the foregoing to your excellency's consideration, and have, &c.

(Signed) G. C. ANDERSON.

[Inclosure 30 in No. 2.]

Mr. Dumaresq to Governor Rawson.

RECEIVER-GENERAL'S OFFICE,
Nassau, New Providence, December 13, 1864—2 p. m.

SIR: I have the honor to report that, in obedience to your excellency's instruction, I have seized the steamer Mary, late Alexandra, now at anchor in the harbor, and have placed her in charge of two officers of this department.

I have, &c.,

(Signed) JOHN D'A. DUMARESQ,
Receiver-General.

[Inclosure 31 in No. 2.]

Mr. Dumaresq to Governor Rawson.

RECEIVER-GENERAL'S OFFICE,
Nassau, New Providence, December 14, 1864—2 p. m.

SIR: I have the honor to report that 114 is the number of the gun found on board the Mary, late Alexandra, and that the case marked T. R. H., referred to in my letter of yesterday's date, (1 p. m.,) has been further examined, and resulting in the finding of log-books, ledgers, small account-books, and naval printed forms as per accompanying specimens; also a packet of visting-cards bearing the name of Mr. J. R. Hamilton, lieutenant, Confederate States navy, one of which I inclose.

I have, &c.,

(Signed) JOHN D'A. DUMARESQ.

Copy of card.

MR. J. R. HAMILTON,

Lieutenant, C. S. Navy.

[263] *Quarterly pay, receipt, and muster-roll of* _____

* [Inclosure 32 in No. 2.]

Number.		
Names.		
Rank.		
Commencement of this settlement.		
Expiration of pay in this settlement.		
Term for which paid.	D's	
Pay per annum or month.	Dol.	c.
Amount of pay in this settlement.	Dol.	c.
Amount allowed for undrawn rations.	Dol.	c.
Credit dead men and deserters' clothes.	Dol.	c.
Amount due from last settlement.	Dol.	c.
Total credit for pay, rations, &c.	Dol.	c.
Amount advanced by recruiting officer.	Dol.	c.
Amount checked.	Dol.	c.
Amount of allotment pay.	Dol.	c.
Amount overpaid from other vessels.	Dol.	c.
Amount paid in by— Clothing.	Dol.	c.
Amount paid in by— Small stores.	Dol.	c.
Amount paid in by— Money.	Dol.	c.
Amount hospital fund.	Dol.	c.
Whole amount of pay, ration, &c.	Dol.	c.
Balance due and paid by—	Dol.	c.
Balance remaining unpaid.	Dol.	c.
Amount overpaid by authorized advances.	Dol.	c.
Date of enlistment. Year.		
Date of enlistment. Month.		
Term of enlistment.	Y's.	
Expiration of enlistment. Year.		
Expiration of enlistment. Month.		
D., D. D., or R.		
When—year and day of month.		
Where to, or for what reason.		
We, the subscribers, acknowledge the correctness of our accounts respectively, as here stated.		
Witness present at the time of acknowledgment.		

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* [Inclosure 33 in No. 2.]

List of clothing.

Numbers.	Names.
	Rates.
	Mattresses.
	Blankets.
	Pea-jackets.
	Trowsers.
	Duck trowsers.
	Duck frocks.
	Flannel overshirts.
	Flannel undershirts.
	Drawers.
	Socks.
	Mittens.
	Black silk handkerchiefs.
	Caps.
	Shoes.
	Yards of cloth.
	Yards of duck.
	Yards of nankeen.
	Jackets.

[Inclosure 34 in No. 2.]

Small stores required for mess, No. _____

Names.
Tobacco.
Soap, bars.
Mustard, bottle.
Pepper.
Knives.
Spoons.
Fine combs.
Coarse combs.
Tin pots.
Tin pans.
Scrubbing-brushes.
Ribbons, pieces.
Tape, pieces.
Needles, papers.
White thread.
Black thread.
Thimbles.
Blacking, boxes.
Scissors.
Shoe brushes.
Cotton handkerchiefs.
Bees-wax.

[265] *[Inclosure 35 in No. 2.]

Lieutenant Almon, R. A., to Mr. Walsh.

NASSAU, NEW PROVIDENCE, BAHAMAS,
December 14, 1864.

Result of an examination of a piece of ordnance taken from steam-vessel Mary, at present in the royal artillery gun-shed.

The marks on the gun are "Fawcett, Preston & Co., 1862, Liverpool."

The numbers on the gun are, 114 on breech, 114 on muzzle, and 114 on one trunnion.

(Signed) E. ALMON.

[Inclosure 36 in No. 2.[

Mr. Nesbitt to Mr. Kirkpatrick.

COLONIAL OFFICE, *Nassau, December* 13, 1864.

SIR: I am directed by his excellency the governor to acknowledge the receipt of your letter of the 9th instant, in reply to mine of the same date, upon the subject of your representations concerning the steamer Mary, late Alexandra, and to acquaint you that his excellency having directed that the packages landed from that ship should be opened and examined, and having received further information regarding the proceedings of the parties connected with the vessel which have satisfied him as to the existence of an intention to contravene the provisions of the foreign-enlistment act, has ordered that she should be seized, and that the matter should be legally invested.

His excellency takes this early opportunity of assuring you of his desire and determination to prevent, as far as lies in his power, any infraction or evasion of the British laws which may be attempted to the detriment of any friendly power, and to maintain that strict neutrality which his sovereign has enjoined him to observe on all occasions arising out of the contest now going on in the States whose interest you are appointed to protect in this colony.

I have, &c.,

(Signed) C. R. NESBITT,
Colonial Secretary.

[Inclosure 37 in No. 2.]

Mr. Kirkpatrick to Mr. Nesbitt.

UNITED STATES CONSULATE,
Nassau, December 14, 1864.

SIR: I have the honor to acknowledge the receipt of your favor of the 13th instant.

Please inform his excellency the governor of the great pleasure I have in the course pursued by him, as conveyed to me through you, in regard to the steamer Mary, late Alexandra, and the gratification it will be to my Government to find the sentiments contained in your letter carried into effect. It is all that could be desired, and I shall at all times be found co-operating with his excellency in maintaining those friendly relations between the two governments which do, and should always, exist between them.

I have, &c.,

(Signed) THOMAS KIRKPATRICK.

[Inclosure 38 in No. 2.]

The attorney-general to Mr. Nesbitt.

ATTORNEY-GENERAL'S OFFICE,
Nassau, December 15, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, informing me, by direction of his excellency the governor, of the seizure of the steamship Mary, late Alexandra, and instructing me to take the necessary steps to

[266] *bring the case to an issue, and to report as early as possible the course I intended to adopt, as regards the vessel and persons in charge of her, in order that his excellency may communicate thereon to the secretary of state; in answer to which I

have to state that, as regards the vessel, I shall libel her in the court of vice-admiralty as liable to forfeiture under the 7th section of the foreign-enlistment act, 59 Geo. III, cap. 69. The exact form of the libel or information I am unable at present to state, as it will necessarily require time and consideration in framing; but I shall take as my guide, so far as the difference in the procedure of the two courts will permit, the proceedings in the court of exchequer in the case of the Alexandra.

2. In this colony we have no common-law court with a jurisdiction corresponding to that exercised in the revenue side of the court of exchequer in England, but the court of vice-admiralty has always exercised jurisdiction in cases of seizures for breaches of the revenue, customs, trade or navigation laws; and as by the section of the foreign-enlistment act, before referred to, it is provided that vessels seized, as liable to forfeiture under the section, may be prosecuted and condemned in the like manner and in such courts as ships or vessels may be prosecuted and condemned for any breach of the laws made for the protection of the revenue of customs and excise or of the laws of trade and navigation, it follows, I think, that the court of vice-admiralty is the court having jurisdiction over the question of forfeiture of the vessel now under seizure.

3. By this mode of procedure in the vice-admiralty court, the entire case, including all questions of fact as well as of law, will be decided by the judge without the intervention of a jury—a circumstance which I consider will be advantageous to the proper decision of the case, as it tends to insure that the judgment will be uninfluenced by any of those elements of popular feeling and prejudice which sometimes mark trial by jury in cases where feelings of sympathy or favoritism are likely to be evoked, but will be the result of calm and deliberate consideration on the part of a high judicial functionary.

4. With respect to the persons in charge of the vessel, it is not my intention at present to institute any proceedings against them, except so far as they may be named in, or connected with, the proceedings against the vessel, as I am of opinion that the institution of criminal proceedings during the pendency of the proceedings *in rem* against the vessel, would tend to embarrass me in undertaking the latter.

5. In conclusion, I beg to say that I shall feel it a great relief of the responsibility resting on me in this important case, if his excellency can procure for me the advice of the law-officers of the Crown in England, to aid me in the prosecution of the case, which, I apprehend, must necessarily be pending for a length of time amply sufficient to enable me to benefit from any advice or suggestions which may be sent from England.

I have, &c.,
(Signed) G. C. ANDERSON.

[Inclosure 39 in No. 2.]

Governor Rawson to Mr. Cardwell.

GOVERNMENT HOUSE, *Nassau, December* 16, 1864.

SIR: With reference to the legal proceedings about to be instituted in this colony in relation to the steamer Mary, and to the attorney-general's letter of the 15th instant, which forms one of the inclosures to my dispatch of the 14th instant, I have the honor to forward copy of a further letter from the same officer, in which he enumerates the facts upon which he has advised the arrest of that vessel, and explains certain points upon which he would be glad to receive the advice and instruction of Her Majesty's law-advisers.

2. I would take the same opportunity of requesting instructions, or advice, with regard to the course which should be adopted, in the event of the court deciding that the foreign-enlistment act has not been violated, or that the seizure is not good, and whether and under what circumstances notice of an appeal should be entered.

3. I am sensible of the possible difficulty of giving such instructions or advice, but the importance of the case, and the delay which must occur in communicating with Her Majesty's government, induce me to endeavor to anticipate every contingency which I can foresee.

I have, &c.,
(Signed) RAWSON W. RAWSON.

[267] *P. S.—I have since ascertained from the attorney-general that he will not bring the case into court until after the first week of February, by which time the January mail from England will have reached this colony; and that if he does not receive any instructions or advice by that mail, (for which there will scarcely be time,) or it such assistance may be expected by the mail of the following month he will defer his proceedings until after the arrival of that—the February mail.

R. W. R.

[Inclosure 40 in No. 2.]

The attorney-general to Mr. Nesbitt.

ATTORNEY-GENERAL'S OFFICE,
Nassau, December 16, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 15th instant, and, availing myself of the permission of his excellency the governor, I have the honor to submit the following for his consideration:

2. In advising the arrest of the Mary, I was influenced by the facts after stated.

First. The construction of the vessel, which, taking it as described in the proceedings in the court of exchequer, is in no way adapted for commercial purposes, but is such as renders her easily convertible into a vessel of war.

Secondly. That being so constructed, there were found on board of her various munitions of war, and other equipments, suitable for fitting up and furnishing her as a war-vessel.

Thirdly. That among the articles so found on board of her, there were flags and papers leading to the conclusion that, if employed as a war-vessel, such employment would be in the service of the Confederate States.

Fourthly. And that assuming that the foregoing to constitute *prima-facie* evidence of the character and intended employment of the vessel, the fitting up of berths in her since her arrival here, was an over act, constituting an equipment, furnishing, or fitting out, or an attempt to equip, furnish, or fit out, in contravention of the foreign-enlistment act, committed within the jurisdiction of our local courts.

3. In addition to the foregoing, there is another possible ingredient of proof, namely, the shipping, or attempting to ship, a crew for the vessel here, as asserted by the United States consul, but as yet I am not in possession of any evidence on the point; and assuming the case to come to trial without any proof in that particular, the liability of the vessel to condemnation will rest on her adaptability for warlike purposes, the nature of the articles found on board of her as evidencing an intention to employ her as a vessel of war, and the fitting up berths for an increased number of men after her arrival here.

4. The first point on which I am desirous of obtaining advice is, whether the grounds so taken by me will be sufficient, supposing I am unable to carry the case further, to warrant the condemnation of the vessel.

5. Again, in the case of the Oreto, the then judge of the admiralty, Mr. Lees, refused to allow evidence to be given of any acts done before the vessel arrived within the limits of the colony, except so far as they might explain acts subsequently performed within the colony, holding that the condemnation of the vessel could only be sustained by establishing an equipment, furnishing, &c., or an attempt to equip, &c., within the Bahama Islands. If this ruling is followed in the present case, the Crown will be debarred from giving evidence, supposing it susceptible of being procured of any overt act, however clearly demonstrative of a violation of law occurring at Bermuda, or elsewhere out of this colony, and I should very much like to ascertain the opinion of the law-officers of the Crown in England on the correctness of such ruling.

6. I am not aware of any other point in the case calling for particular notice; and I will therefore only add that, feeling the great importance of the case, I am most anxious to have advice and instructions, not only in the particulars before mentioned, but generally on any question on which it may appear to the law-officers of the Crown expedient that I should be advised or instructed on.

I have, &c.,
(Signed) G. C. ANDERSON.

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[268] *[Inclosure 41 in No. 2.]

Governor Rawson to Mr. Cardwell.

GOVERNMENT HOUSE, *Nassau, December* 17, 1854.

SIR: I have the honor to inclose, for your information, a copy of a letter in which I communicated to Her Majesty's chargé d'affaires at Washington the seizure of the British steamer Mary, late Alexandra, which forms the subject of my dispatch of the 13th instant.

I have, &c.,
(Signed) RAWSON W. RAWSON.

[Inclosure 42 in No. 2.]

Governor Rawson to Mr. Burnley.

GOVERNMENT HOUSE, *Nassau, December* 15, 1864.

SIR: I take the earliest opportunity of informing you that, on the 13th instant, the British steamer Mary, formerly the Alexandra, ram, was seized in this port by my orders, for a violation of the seventh clause of the foreign-enlistment act.

Before my arrival here, on the 9th instant, the United States consul had called the attention of this government to the existence of guns and munitions of war on board of this vessel, which had lately reached this harbor. A search was made, and nothing was found but a 12-pounder gun, and a case, supposed to contain shell. Upon this the lieutenant-governor, acting upon the advice of the attorney-general, informed the consul that there was not sufficient ground for detaining the vessel, after this gun and case were landed, which the agents professed their willingness to do.

The consul had at first supposed the search to have been a seizure, and he was much disappointed at this last communication, and protested urgently against it.

The attorney-general saw him personally, and was not satisfied with the proofs offered; and, finally, he was informed that the government would not proceed upon confidential communications made to him by persons who could not be produced in court to support a prosecution.

This was the state of the case when I arrived.

I mention what occurred with the consul, in order that you may be cognizant of it, in the event of the American Government adverting to it in any communication which it may make to you.

Upon examining the correspondence, and making inquiry of the officer who searched the vessel, I found that there were suspicious facts bearing upon the case, which did not appear in the papers, and that certain packages which were shipped at Bermuda had not been opened, nor were their contents known. I therefore directed that they should be landed and opened. The result is shown in the inclosure No. 1, which, among other things, proves the continued connection of the Mary with Mr. Hamilton, an officer of the Confederate States, whose name was brought forward by the attorney-general on the occasion of the trial in England, as one of the proofs against the parties who owned the Alexandra.

Upon the discovery of this further evidence, and receiving the opinion of the attorney-general, I ordered the vessel to be seized, and she is now in charge of the customs, moored opposite to the ordnance wharf, for protection. The attorney-general will commence legal proceedings without delay, and I have received a letter from the United States consul, thanking me for my proceedings in the case.

I have, &c.,
(Signed) RAWSON W. RAWSON.

P. S.—I was not aware, when I was writing the above, that the lieutenant-governor had recently received from you a communication from the Government of the United States on the subject of the equipment of armed vessels for the service of the Confederate States in this port, and that in replying to it he had alluded to the suspicions attaching to the steamer Mary.

R. W. R.

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[269] *[Inclosure 43 in No. 2.]

Governor Rawson to Mr. Cardwell.

GOVERNMENT HOUSE, *Nassau, December* 17, 1864.

SIR: I have the honor to forward, for your information, copies of a correspondence between Mr. J. Hume Burnley, acting for Her Majesty's minister at Washington, and the late lieutenant-governor, upon the subject of a representation from the secretary of state of the United States, inviting the attention of this government to the proceedings of insurgent agents suspected of fitting out armed vessels at Nassau.

2. Mr. Burnley's letter, dated the 8th October, is marked as having been received on the 6th December. I was not aware until this morning that the lieutenant-governor had replied to it, and that he had referred in his answer to the steamer Mary, since seized. His reply will be forwarded on Monday by the same mail which conveys my letter informing Mr. Burnley of the seizure of the Mary.

I have, &c.,
(Signed) RAWSON W. RAWSON.

[Inclosure 44 in No. 2.]

Mr. Seward to Mr. Burnley, October 6, 1864.

[See inclosure 3 in No. 2.]

[Inclosure 45 in No. 2.]

Mr. Burnley to Lieutenant-Governor Nesbitt, October 8, 1864.

[See inclosure 2 in No. 2.]

[Inclosure 46 in No. 2.]

Acting Governor Nesbitt to Mr. Burnley.

GOVERNMENT HOUSE, *Nassau, December* —, 1864.

SIR: I have the honor to acknowledge the receipt on the 3d instant of your dispatch dated Washington, the 8th of October last, with copy of a note of the 6th of that month received by you from the Secretary of State of the United States, requesting you to invite the attention of the authorities of this colony to the proceedings of insurgent agents engaged in fitting out vessels at Nassau, New Providence, with a view to piratical operations against the commerce of the United States.

I now forward to you the copy of a communication which, on the receipt of your dispatch, I at once made to the receiver-general of this colony, together with a copy of that officer's report, by which latter document you will perceive that the receiver-general remarks that, on the first arrival of several steamers, reports were circulated, without the slightest foundation as to their ultimate conversion or appropriation for warlike purposes, such for instance as the steamer Hope, referred to in Mr. Seward's note to you, and which steamer has since been captured off Wilmington with a general cargo on board by the blockading squadron of the United States, thus effectually disposing of the question of her having been fitted out here as a privateer.

You will perceive in the postscript to my communication to the receiver-general of the 3d instant, that I especially called his attention to the steamer Mary, late Alexandra, now in the port of Nassau, with the view of his reporting on the character of that vessel, and, as far as practicable, preventing any violation of Her Majesty's proclamation of neutrality.

In concert with the attorney-general I have had the case of the Mary, late Alexandra, under consideration, and it forms the subject of correspondence at present between the United States consul at this port and myself, copies of which correspondence will be forwarded to the secretary of state for the colonies for the information of Her Majesty's government.

I have, &c.,
(Signed) C. R. NESBITT.

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[270] *[Inclosure 47 in No. 2.]

Mr. Dumaresq to Lieutenant-Governor Nesbitt, December 7, 1864.

[See inclosure 15 in No. 2.]

No. 3.

Mr. Lafone to Earl Russell.

LIVERPOOL, *January* 11, 1865. (Received January 12.)

MY LORD: I have information from Nassau that the screw-steamer Mary, (formerly the Alexandra,) which was purchased by me in June last from Messrs. Fawcett, Preston & Co., of this town, and by me altered into a passenger-ship, and duly advertised to trade between Halifax,

Bermuda, Nassau, and St. Thomas, has been seized at Nassau for some alleged breach of the law.

May I request your lordship to inform me whether this has been done on the orders of Her Majesty's government here, or whether it is the act of the governor of Nassau on his own responsibility?

I make this request in order that I may be advised how to proceed, and I remain, &c.,

(Signed) HENRY LAFONE.

No. 4.

The law-officers of the Crown to Earl Russell.

[Immediate.]

LINCOLN'S INN, *January* 12, 1865. (Received January 13.)

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 9th instant, stating that he was directed by your lordship to transmit to us the accompanying letter from the colonial office, and its inclosures, respecting the seizure of the steamer Mary (formerly called the Alexandra) on the ground that she was being equipped as a vessel of war for the service of the so-styled Confederate States, and to request that we would take the same into consideration, and furnish your lordship with our opinion thereupon as soon as we conveniently can, and at all events before Saturday next when the mail is dispatched for the Bahamas.

In obedience to your lordship's commands we have taken this matter into consideration, and have the honor to report—

That we think the governor of the Bahamas has acted properly in seizing the Mary or Alexandra, which we understand to be a vessel still navigated under British papers. There seems little, if any, room for doubt, that the seventh section of the foreign enlistment act has been violated by the shipment of arms, &c., in this vessel at Bermuda; and we incline to agree with the attorney-general of the Bahamas that, even if the only act of equipment or fitting out, done in that colony, should prove to be the preparation of additional sleeping-berths for the crew, (the United States consul in his letter of the 5th December, 1864, alleged that several boxes of shell had been put on board in the harbor of Nassau, but of this we do not at present find any evidence,) such preparation of sleeping-berths ought to be held a further violation of the statute in the Bahamas. That vessel, both when she left Bermuda and when at Nassau, was (as we understand the facts) so equipped and armed as to be capable of cruising with effect against merchant-vessels; and the confederate flags, &c., and the commission in blank, and forms of seamen's pay-receipt, and muster-rolls, &c., found on board her, with the card and effects of Lieutenant Hamilton, appear to us to be quite sufficient (unless otherwise explained, which we think most improbable) to prove an actual destination for the war service of the Confederate States.

We think it will be proper to allege and prove as a distinct and
[271] separate charge *"equipment," "fitting out," and "arming," within Her Majesty's dominions at Bermuda, as well as further equipment, &c., in the Bahamas. The ruling of Judge Lees in the case of the Oreto, that no evidence could be given of acts done elsewhere

than in the Bahamas, except for the purpose of explaining acts done within that colony, seems to us to be incorrect, and to have arisen from a confusion between a criminal proceeding *in personam* (which, under the fourth section of the act, must be taken before a court having local jurisdiction where the offense was committed) and a proceeding for condemnation *in rem*, which, under the seventh section, seems to us to be competent wherever the ship, previously forfeited by any act working a forfeiture under that section, may happen to be found within Her Majesty's dominions. The question to be tried in such a case is the title of the Crown by forfeiture, which, under the imperial statute, is perfect, if the prohibited act has been done in any part of Her Majesty's dominions. It is not said in the seventh section (and we think it would be unreasonable to imply) that the subsequent seizure, &c., must take place in the same part of Her Majesty's dominions in which the act making the forfeiture was done; and still less that the court which has to try the question of title to the vessel between the Crown and any claimant who may come forward, is not at liberty to receive allegations or evidence of such acts wherever done, as under the imperial statute would vest in the Crown an actual title by forfeiture at the time of seizure. The effect of such a construction would be, that a ship forfeited in law to the Crown would be delivered forever from all the effects of that forfeiture if she could once pass from one part of Her Majesty's dominions to another without afterward returning to the place from whence she came. If such a doctrine should still be adhered to by the learned judge at Nassau, we think it would be necessary to appeal from his judgment to Her Majesty in council; but if an adverse decision should be pronounced upon the general merits, it must be left to the colonial attorney-general, who will have the evidence before him, to determine whether an appeal should be prosecuted or not.

We think that the course of proceeding which the attorney-general of the Bahamas proposes to follow is judicious and proper.

We have, &c.,
(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

No. 5.

Mr. Hammond to Sir F. Rogers.

[Pressing.]

FOREIGN OFFICE, *January* 13, 1865.

SIR: Earl Russell having caused your letter of the 9th instant, respecting the seizure of the Mary, otherwise known as the Alexandra, at the Bahamas, to be referred to the proper law-advisers of the Crown, I am now directed by his lordship to transmit to you, to be laid before Mr. Secretary Cardwell, a copy of the report which he has received from them.[1]

I am, &c.,
(Signed) E. HAMMOND.

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[1] No. 4.

No. 6.

Mr. Burnley to Earl Russell.

WASHINGTON, *January* 6, 1865. (Received January 20.)

MY LORD: I have the honor to forward to your lordship copies of correspondence with the state department and the authorities of Nova Scotia and New Providence, relative to the seizure of the British ship Mary, late Alexandra, ram, for violation of the seventh clause of the foreign-enlistment act.

Mr. Seward informs me, in his note of the 31st December ultimo, that he has instructed Mr. Adams to express satisfaction to Her Majesty's government, on the part of that of the United States, at the prompt action which has been adopted in this case.

I have, &c.,
(Signed) J. HUME BURNLEY.

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[272] *[Inclosure 1 in No. 6.]

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, September 13, 1864.

SIR: This Department has been informed that the steamer Mary, which formerly, under the name of the Alexandra, was charged in the British courts with having been built for the naval service of the insurgents, has arrived at Halifax, for the supposed purpose of there being armed and equipped for that service. It is consequently suggested that you communicate with the governor of Nova Scotia, in order that the hostile designs of that vessel against the United States and their shipping, may not be carried into effect from any port within his jurisdiction.

I have, &c.,
(Signed) W. H. SEWARD.

[Inclosure 2 in No. 6.]

Mr. Burnley to Lieutenant-Governor Nesbitt.

WASHINGTON, *September* 13, 1864.

SIR: I have the honor to inclose herewith, for your guidance and information, copy of a letter received to-day from the Secretary of State of the United States, relative to the proceedings of the steamer Mary, supposed to be in the service of the so-called Confederate States.

I have, &c.,
(Signed) J. HUME BURNLEY.

[Inclosure 3 in No. 6]

Governor Macdonnell to Mr. Burnley.

GOVERNMENT HOUSE,
Halifax, Nova Scotia, September 30, 1864.

SIR: I have the honor to acknowledge the receipt of yours of the 13th instant, which did not reach me till the 28th instant.

Your letter incloses a communication from Mr. Seward, representing that the Mary, formerly the Alexandra, has arrived at Halifax, for the supposed purpose of being armed and equipped for the confederate service.

Mr. Seward therefore suggests that you should communicate with me, in order that the hostile designs of that vessel against the United States and their shipping may not be carried into effect from any port within my jurisdiction.

In reply, I have to state that in future, as heretofore, my most strenuous exertions shall be directed to maintaining within the neutral waters of this portion of Her Maj-

esty's dominions the strictest observance of those orders which have been issued for my guidance in reference to belligerent cruisers, whether Federal or confederates.

I cannot, however, interfere with any vessel British-owned in a British harbor on mere suspicion. Nevertheless, I have so decided a determination to prevent any abuse of the accommodation afforded by this port to any party, that I have instituted inquiry for my own satisfaction into the rumored destination of the Mary. I have even directed that the Mary shall be watched, and am prepared to interfere if any illegal equipment of that vessel for warlike purposes be attempted in this province.

At the same time you may inform Mr. Seward that the result of my inquiries hitherto leads me to suppose that the Mary, although originally strongly built and apparently intended for warlike purposes, is now lying here an embarrassment to her owners, unsaleable, and unserviceable either as an ordinary merchantman or a cruiser. Her speed under steam does not exceed four and a half knots, and I believe she is considered a failure, whatever may have been her original destination; therefore no difficulty is likely to arise in her case.

I have, &c.,
(Signed) R. G. MACDONNELL.

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[273] *[Inclosure 4 in No. 6.]

Mr. Burnley to Mr. Seward.

WASHINGTON, *October* 9, 1864.

SIR: With reference to your note of the 13th ultimo, relative to the steamer Mary and her supposed connection with the southern insurgents, I have the honor to inclose copy of a dispatch which I have received on this subject from the lieutenant-governor of Nova Scotia.

I have, &c.,
(Signed) J. HUME BURNLEY.

[Inclosure 5 in No. 6.]

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, October 20, 1864.

SIR: I have the honor to acknowledge the receipt of your note of the 9th ultimo which is accompanied by a copy of a dispatch of the 30th of September, addressed to you by the lieutenant-governor of Nova Scotia, relative to the steamer Mary, and her supposed connection with the insurgents, which formed the subject of my communication of the 13th ultimo. In reply, I have the honor to state that the action of his excellency in the premises is highly creditable to himself and is justly appreciated by this Government.

I have, &c.,
(Signed) W. H. SEWARD.

[Inclosure 6 in No. 6.]

Mr. Burnley to Lieutenant-Governor Nesbitt..

WASHINGTON, *October* 22, 1864.

SIR: I have the honor to inclose copy of a note which I have received from the Secretary of State of the United States, in reply to the one I addressed to him, inclosing copy of your excellency's dispatch of the 30th September, reporting the steps taken by your excellency in the case of the Mary, formerly the Alexandra.

I have, &c.,
(Signed) J. HUME BURNLEY.

[Inclosure 7 in No. 6.]

Governor Rawson to Mr. Burnley, December 15, 1864.

[See inclosure 42 in No. 2.]

[Inclosure 8 in No. 6.]

Mr. Dumaresq to Governor Rawson, December 13, 1864.

[See inclosure 30 in No. 2.]

[Inclosure 9 in No. 6.]

Mr. Burnley to Mr. Seward.

WASHINGTON, *December* 28, 1864.

SIR: With reference to your note of the 20th of October, relative to the British steamer Mary, formerly Alexandra, ram, and her supposed connection with the so-called confederate government, I have the honor to transmit to you herewith copy of a dispatch and of its inclosures from the governor of New Providence, stating
[274] *that he has ordered the seizure of the steamer Mary for violation of the seventh clause of the foreign-enlistment act.

I have, &c.,
(Signed) J. HUME BURNLEY.

[Inclosure 10 in No. 6.]

Mr. Burnley to Governor Rawson.

WASHINGTON, *December* 28, 1864.

SIR: I have the honor to acknowledge the receipt of your excellency's dispatch of the 15th instant, stating that, on the 13th instant, the British steamer Mary, formerly the Alexandra, ram, was seized by your orders for a violation of the seventh clause of the foreign-enlistment act, and to inform you that I have forwarded copies of your dispatch and of its inclosures to the Secretary of State of the United States.

I have, &c.,
(Signed) J. HUME BURNLEY.

[Inclosure 11 in No. 6.]

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, December 31, 1864.

SIR: I have the honor to acknowledge the receipt of your communication of the 28th instant, informing me of the seizure of the steamer Mary by the authorities at New Providence for a violation of the foreign-enlistment act of Great Britain; and, in reply, to acquaint you that I have already been advised of the fact by the consul of the United States at Nassau, and have authorized Mr. Adams to express satisfaction to Her Majesty's government on the part of that of the United States at the prompt action which has been adopted in this case. It is hoped that it may be a beginning of successes in arresting piratical operations injurious to both countries.

I have, &c.,
(Signed) W. H. SEWARD.

No. 7.

Mr. Hammond to Mr. Lafone.

FOREIGN OFFICE, *January* 20, 1865.

SIR: I am directed by Earl Russell to acknowledge the receipt of your letter of the 11th instant relative to the seizure at Nassau of the screw-steamer Mary, formerly the Alexandra; and I am to inform you that the seizure of this vessel has taken place under the authority of

the colonial government on the ground of her having violated the provisions of the foreign-enlistment act; and that the validity of the seizure will be tried in the ordinary course of law.

I am, &c.,
(Signed) E. HAMMOND.

No. 8.

Mr. Hammond to Sir F. Rogers.

FOREIGN OFFICE, *January* 21, 1865.

SIR: With reference to your letter of the 9th instant I am directed by Earl Russell to transmit to you, for the information of Mr. Secretary Cardwell, a copy of a letter from Mr. Lafone, making certain inquiries relative to the seizure of the Mary, or Alexandra, together with a copy of the answer which, under the advice of the law-officers of the Crown, Lord Russell has returned thereto.[1]

I am, &c.,
(Signed) E. HAMMOND.

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[275] *No. 9.

Sir. F. Rogers to Mr. Hammond.

DOWNING STREET,
January 23, 1864. (Received January 24.)

SIR: With reference to your letter of the 13th of January, I am directed by Mr. Secretary Cardwell to transmit to you, for the information of Earl Russell, copies of two dispatches in which Mr. Cardwell has conveyed to the governor of the Bahamas the approval of Her Majesty's government of his conduct in the seizure of the Mary, otherwise known as the Alexandra, and communicated to him the opinion of the law-officers for his guidance.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 9.]

Mr. Cardwell to Governor Rawson.

DOWNING STREET, *January* 14, 1865.

SIR: I have received your own and Mr. Nesbitt's dispatches reporting the seizure of the Alexandra, now bearing the name of the Mary, soliciting approval for the steps you have already taken, and requesting instructions for yourself and for the attorney-general as to your future proceedings.

2. Her Majesty's government entirely approve the seizure of this vessel, which they understand to be a vessel still navigated under British papers. There seems little if any room for doubt that the seventh section of the foreign-enlistment act has been violated by the shipment of arms, &c., in this vessel at Bermuda; and I incline to agree with the attorney-general of the Bahamas that, even if the only act of equipment or fitting out done in that colony should prove to be the preparations of additional sleeping-berths for the crew, such preparation of sleeping-berths ought to be held a further

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[1] Nos. 3 and 7.

violation of the statute in the Bahamas. The United States consul, in his letter of December 5, 1864, alleged that several boxes of shell had been put on board in the harbor of Nassau. It remains to be seen how far this statement is sustained by evidence.

The vessel, both when she left Bermuda and when at Nassau, was, as I understand the fact, so equipped and armed as to be capable of cruising with effect against merchant-vessels; and the confederate flag, &c., and the commission in blank, and forms of seamen's pay-receipts and muster-rolls, &c., found on board of her, with the card and effects of Lieutenant Hamilton, seem to be quite sufficient (unless otherwise explained, which appears most improbable) to prove an actual destination for the war service of the Confederate States.

3. It will be proper to allege and prove as a distinct and separate charge "equipment," "fitting out," and arming within Her Majesty's dominions at Bermuda, as well as further equipments, &c., in the Bahamas.

4. I am advised that the offense committed in Bermuda furnishes grounds for a condemnation in the Bahamas; and, if the court were to decide otherwise, I think that the question should be brought before Her Majesty in council by appeal. If an adverse decision should be pronounced on the general merits, the colonial attorney-general, who will have the evidence before him, must determine whether or not such an appeal should be prosecuted.

5. The general course which the attorney-general proposes to adopt appears to me judicious and proper.

I have, &c.,
(Signed) EDWARD CARDWELL.

[Inclosure 2 in No. 9.]

Mr. Cardwell to Governor Rawson.

DOWNING STREET, *January* 14, 1865.

SIR: With reference to my public dispatch of the above date, I have the honor to transmit to you confidentially a copy of the opinion of the law-officers of the Crown on the subject of the seizure of the Alexandra or Mary.

I have, &c.,
(Signed) E. CARDWELL.

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[276] *No. 10.

Mr. Burnley to Earl Russell.

WASHINGTON, *January* 24, 1865. (Received February 5.)

MY LORD: With reference to my dispatch of the 6th instant, inclosing copies of correspondence with the United States Government and the lieutenant-governor of Nova Scotia and New Providence, relative to the Mary, late Alexandra, I would beg leave to inclose copy of a further dispatch on this subject, which I have received from Mr. Rawson, acquainting me with the course pursued by his excellency with regard to the solicitor-general of the colony, who, it would appear, had been retained, and was acting for the defendants in the matter.

It seemed right and proper that Mr. Rawson's action, coupled with a friendliness of intent towards the Government of this country, should be made known, and I accordingly did myself the honor of communicating a copy of his excellency's dispatch to Mr. Seward, in a note of which I beg also to inclose a copy.

I have, &c.,
(Signed) J. HUME BURNLEY.

[Inclosure 1 in No. 10.]

Mr. Burnley to Mr. Seward.

WASHINGTON, *January* 24, 1865.

SIR: With reference to my note of the 28th December last, informing you that the Mary had been seized in the port of Nassau by orders of the lieutenant-governor for an infringement of the British foreign enlistment act, I have now the honor to inclose copy of dispatch which I have received from Mr. Rawson, acquainting me with the action taken with regard to the solicitor-general of this colony, who, it appears, had been retained and was acting for the defendants in the matter.

The course pursued by the lieutenant-governor seems to have been an eminently wise and sensible one, as showing a proper appreciation as to how English law should be administered, coupled with a friendliness of expression toward the Government of this country, which it give me the pleasure to communicate to you.

I have, &c.,
(Signed) J. HUME BURNLEY.

[Inclosure 2 in No. 10.]

Governor Rawson to Mr. Burnley.

GOVERNMENT HOUSE, *Nassau, January* 14, 1865.

SIR: I deem it advisable that you should be made acquainted with the fact that, in consequence of my having become aware that Mr. Solicitor-General Burnside had been retained, or was acting for the defendants in the matter of the steamer Mary, seized by my orders in this port, of which you have already received notice, I immediately required that gentleman to resign his brief or his office.

Mr. Burnside pleaded his right to act against the Crown under a general license which he possesses in all cases in which the attorney-general does not require his services. But I informed him that this was not a case contemplated in his general license; that although his services were not required to assist in the prosecution, it was not fitting that he should appear against the Crown; and that the United States Government, which is interested in the due enforcement of the foreign-enlistment act in this case, would learn with surprise, and might complain with reason, that while one law-officer was enforcing the provisions of the act, another was engaged in opposition to him; and it would be difficult to convince them that this was not with the consent or approval of this government.

Mr. Burnside has elected to resign his office. You will be a better judge than I am of the expediency of communicating this to the United States Government, and of the time and manner of doing so.

I have, &c.,
(Signed) RAWSON W. RAWSON.

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[277] *No. 11.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *February* 11, 1865. (Received February 13.)

SIR: With reference to my letter of the 23d January, I am directed by Mr. Secretary Cardwell to transmit to you, for the information of Earl Russell, copy of a dispatch from the governor of the Bahamas, reporting further proceedings taken in the matter of the seizure of the steamer Mary, otherwise Alexandra.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure in No. 11.]

Governor Rawson to Mr. Cardwell.

GOVERNMENT HOUSE, *Nassau, January* 14, 1865.

SIR: In continuation of my dispatches of the 15th and 16th ultimo, reporting the seizure of the British steamer Mary, late Alexandra, and the proceedings which the attorney-general intended to take, I have the honor to report that the initiatory steps have been taken in the vice-admiralty court; that some witnesses, who were about to leave the colony, were examined before the judge on the 7th instant, and that the cause is in progress.

2. No further evidence has yet been obtained against the vessel. I have had the coal-bunks emptied, and the whole vessel thoroughly searched, but without the discovery of anything material.

3. Before Her Majesty's ship Medea left Nassau I obtained from Captain Preston a report upon the measures which he deemed advisable for insuring the safety of the vessel, and preventing any injury to any part of her. These have been adopted. She has been partially unrigged, an important part of her machinery has been removed and landed, and a military guard is stationed on board of her.

I have, &c.,
(Signed) RAWSON W. RAWSON.

No. 12.

Mr. Lafone to Earl Russell.

LIVERPOOL, *February* 17, 1865. (Received February 17.)

MY LORD: Referring to the communication made to me by Mr. Hammond on the 20th ultimo, I have to inform your lordship that Captain Collier, of the Mary, has come to Liverpool from Nassau for instructions, and as he is desirous of seeking some other employment, I shall feel greatly obliged if your lordship can inform me whether Her Majesty's government, from the inquiries they have made as to the Mary and her cargo, are enabled to instruct the governor of the Bahamas to release the vessel.

If not, it will be necessary for me to make terms with Captain Collier to induce him to return to Nassau.

I need scarcely repeat that I am in utter ignorance of any breach of the law having been committed.

I have, &c.,
(Signed) HENRY LAFONE.

No. 13.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *February* 17, 1865. (Received February 18.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter of the 6th ultimo, from Vice-Admiral Sir J. Hope; also a [278] copy of its inclosure, reporting the detention of *the English steamer Mary, late Alexandra, by the customs officers at Nassau, for an alleged breach of the foreign-enlistment act.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 13.]

Vice-Admiral Sir J. Hope to the secretary to the admiralty.

DUNCAN, *at Bermuda, January* 6, 1865.

SIR: You will be pleased to acquaint the lords commissioners of the admiralty that the English steamer Mary, late Alexandra, is now in the custody of the customs-officer at Nassau, having been detained there by the governor for an alleged breach of the foreign-enlistment act; and I forward, for their lordships' information, the report of survey held on her at his instance by the officers of the Medea.

I have, &c.,
(Signed) J. HOPE.

[Inclosure 2 in No. 13.]

Report concerning the construction and fittings of the British steamer Mary, of Liverpool.

She is very strongly built throughout, the top-sides being much stronger than those of any ordinary merchant-vessel, and fit for breeching and gun-tackle bolts; her upper deck is 3-inch fir plank, and the side and oak amidships; the beams are very close together, and the deck is strong enough to bear heavy guns.

She has in her hold iron tanks constructed to fit the shape of the ship's bottom, and low enough to allow a deck being built over them.

She has air-scuttles very close together in the fore and main holds, in the position that they would be required if a lower deck was built in her. They are now covered over outside with pieces of copper.

All the cabins and deck-houses appear to be quite temporary, and not at all built so as to economize space. Two of the cabin bulk-heads are directly over two of the coal-bunker lids, which renders it impossible to open those lids while the bulk-heads are there. Belaying-cleats are on the ship's side, inside the cabins, on the after part of the upper deck, and bollard-ports and stern hawse-pipes are covered in.

She has very little room to stow cargo, being fitted forward and aft with bunks, and the engines and boilers being constructed so as to be entirely below the water-line, they take up a great deal of space.

She has two galleys or cooking-apparatus, one of which has two boilers capable of holding each about eleven gallons, and would be quite sufficient to cook for about sixty men, the dimensions being 17 inches by 10 inches by 14½ inches.

Judging by the eye and a calculation from a rough measurement, (it being impossible, in her present state, to measure her accurately,) she is about 300 tons, navy measurement, and her engines between 150 and 200 horse-power.

The small gun (3-inch caliber) taken from her, is fitted with a field-carriage, and also an iron carriage and slide, which would do for service on board ship.

Dated on board Her Majesty's ship Medea, at Nassau, December 18, 1864.

(Signed) C. WODEHOUSE, *Senior Lieutenant.*
J. HOOD, *Chief Engineer.*
ROBT. CRUMP, *Gunner.*
N. HAWTON, *Carpenter.*

Approved.
(Signed) D'ARCY PRESTON,
Commander.

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[279] *No. 14.

Mr. Hammond to Mr. Lafone.

FOREIGN OFFICE, *February* 18, 1865.

SIR: I am directed by Earl Russell to acknowledge the receipt of your letter of the 17th instant, in which you ask to be informed whether Her Majesty's government have been enabled to instruct the governor of the Bahamas to release your vessel, the Mary, formerly the Alexandra.

I am, in reply, to refer you to my letter of the 20th ultimo, and to

say that that vessel can only be released, if at all, in the ordinary course of law.

I am, &c.,
(Signed) E. HAMMOND.

No. 15.

Mr. Burnley to Earl Russell.

WASHINGTON, *February* 3, 1865. (Received February 20.)

MY LORD: With reference to my dispatch of the 24th instant, I have the honor to inclose copy of Mr. Seward's reply to my note of the 24th instant, informing him of the action taken by the lieutenant-governor of New Providence with regard to the solicitor-general of the colony in the case of the Mary.

I have, &c.,
(Signed) J. HUME BURNLEY.

[Inclosure in No. 15.]

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE,
Washington, January 31, 1865.

SIR: I have the honor to acknowledge the receipt of your communication of the 24th instant, in regard to the proceedings of the lieutenant-governor of Bermuda in requiring the resignation of the solicitor-general of that colony, or that he should not act as the counsel of the defendants in the case of the Mary, seized for an alleged violation of the British foreign-enlistment act.

The spirit of comity manifested by his excellency, and the friendly manner in which you have informed me of his conduct, have afforded me much gratification. I beg you to convey to him an expression of the high appreciation entertained by this Government of his just regard for its rights, and for its good will in the instance adverted to.

I have, &c.,

No. 16.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, March 7, 1865. (Received March 7.)

MY LORD: By a report made by the consul of the United States at Nassau, it would appear that he was informed by a government officer at that place of the possibility that the vessel, formerly well known as the Alexandra, and now as the Mary, even if condemned and sold at that port under judicial process for a violation of neutrality, might be bought in by the same parties first interested in her, and started again in the guise of a merchantman on her original errand to carry on war against the United States.

I am instructed by my Government to make to your lordship a representation touching this matter, and to remonstrate against giving permission to this vessel to depart from Nassau without abundant security that she is not to be used for the hostile purpose indicated. So [280] much of deception and fraud has marked the previous trans*actions

of the insurgent agents engaged in these outfits from British ports, that no suspicion of any of their future operations appears to be unreasonable.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 17.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *March* 9, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 7th instant, in which you represent that your Government is informed that the steamer Mary, late Alexandra, even if condemned at Nassau and sold under judicial process for a violation of neutrality, may be bought in by the same parties first interested in her, and started again in the guise of a merchantman on her original errand to carry on war against the United States, and you state that you are instructed to remonstrate against giving permission to that vessel to depart from Nassau without abundant security that she is not to be used for the hostile purpose indicated.

I have the honor to inform you, in reply, that I have lost no time in transmitting a copy of your representation to the proper department of Her Majesty's government.

I am, &c.,
(Signed) RUSSELL.

No. 18.

Mr. Hammond to Sir F. Rogers.

FOREIGN OFFICE, *March* 9, 1865.

SIR: With reference to the case of the Mary, late Alexandra, I am directed by Earl Russell to transmit to you, to be laid before Mr. Secretary Cardwell, a copy of a letter from Mr. Adams,[1] representing that the United States Government is informed that that vessel, even if condemned and sold under judicial process for a violation of neutrality, may be bought in by the same parties first interested in her, and started again in the guise of a merchantman on her original errand, to carry on war against the United States; and Mr. Adams states that he is instructed to remonstrate against giving permission to that vessel to depart from Nassau without abundant security that she is not to be used for the hostile purpose indicated.

Lord Russell would be glad to be favored with such observations as Mr. Cardwell may have to offer upon this matter before consulting the law-officers of the Crown thereon.

I am, &c.,
(Signed) E. HAMMOND.

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[1] No. 16.

No. 19.

Sir F. Rogers to Mr. Hammond.

[Immediate.]

DOWNING STREET, *March* 10, 1865. (Received March 10.)

SIR: In answer to your letter of the 9th instant, inclosing a copy of a note from Mr. Adams, representing the possibility that the Mary, formerly the Alexandra, if condemned at Nassau and sold under judicial process, may be bought in by her original owners and started again to carry on war against the United States, I am directed by Mr. Secretary Cardwell to acquaint you, for the information of Earl Russell, that he will direct the governor, by the mail of the 11th instant, not to sell the vessel until he shall receive further orders from Her Majesty's government.

Mr. Cardwell will be glad to receive the opinion which Earl Russell may obtain from the law-officers of the Crown on this subject as soon as may be, in order to give definite instructions to the governor.

I am, &c.,
(Signed) FREDERIC ROGERS.

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[281] *No. 20.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *March* 13, 1865. (Received March 14.)

SIR: With reference to your letter of the 13th of January last, I am directed by Mr. Secretary Cardwell to transmit to you, for the information of Earl Russell, the inclosed copy of a dispatch from the governor of the Bahamas, acknowledging the receipt of the opinion of the law-officers of the Crown relative to the seizure of the steamer Mary, formerly Alexandra.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure in No. 20.]

Governor Rawson to Mr. Cardwell.

GOVERNMENT HOUSE,
Nassau, February 13, 1865.

SIR: I have had much satisfaction in receiving your dispatch of the 14th ultimo, approving the seizure of the steamer Mary, and I have communicated the opinion of the law-officers of the Crown, conveyed in your confidential dispatch of the same date, to Mr. Attorney-General Anderson.

2. We both feel much obliged for the promptitude with which this opinion was obtained and transmitted. The attorney-general will frame his charges in accordance with the suggestions of the law-officers. The opposite party endeavored, about three weeks ago, to force on the proceedings, but suddenly withdrew, upon the plea that Captain Collier, who commanded the vessel, was obliged to go to England, and would be absent for a few weeks.

3. Nothing of importance has occurred to change the features of the case since I wrote in December. There is no evidence whatever to furnish ground for supposing that the United States consul was correct in stating that several boxes of shells had been put on board in this harbor. On the contrary, there is greater reason for

believing that, within a few hours of her first search, suspicious articles were taken out of her. A respectable man, who was employed on board in charge of a gang of laborers, has given evidence that he saw two other guns on board besides the one seized, and he undertook to show where they were concealed; but upon examination they were not found there.

4. The testimony of five officers of Her Majesty's ships Medea and Fawn has not been unanimous as to the fitness of the gun seized for service in the Mary, but it will not be difficult to disprove the arguments of the dissentients.

5. With reference to a remark of the law-officers, I would state that the Mary was still being navigated under British papers.

6. As Chief Justice Lees, whose ruling in the case of the Oreto is pronounced, upon an important point, to have been incorrect, has retired from the bench, it may be anticipated that it will not be adopted by his successor, and the attorney-general will be the better prepared to combat it.

7. The instructions with regard to appealing from an adverse decision will be attended to.

I have, &c.,
(Signed) RAWSON W. RAWSON.

No. 21.

The law-officers of the Crown to Earl Russell.

[Extract.]

LINCOLN'S INN, *March* 18, 1865. (Received March 18.)

We are honored with your lordship's commands signified in Mr. Hammond's letter of the 11th instant, stating, that with reference to our report of the 12th January last, respecting the seizure of the Mary, late Alexandra, at Nassau, he was directed by your lordship to transmit to us, together with the previous papers, a note from Mr. Adams,
[282] representing that the United States Government is informed *that that vessel, even if condemned and sold under judicial process for a violation of neutrality, may be bought in by the same parties first interested in her, and started again in the guise of a merchantman on her original errand to carry on war against the United States; and Mr. Adams states that he is requested to remonstrate against giving permission to that vessel to depart from Nassau without abundant security that she is not to be used for the hostile purpose indicated.

Mr. Hammond also annexed a letter from the colonial office, from which it will be seen that in consequence of the communication to that department of a copy of Mr. Adams's note, the governor of the Bahamas would be instructed by the mail of that evening not to sell the Mary until he shall receive further orders from Her Majesty's government; and Mr. Hammond was accordingly to request that we would take this matter into consideration, and furnish your lordship with our opinion what these further orders should be.

In obedience to your lordship's commands we have taken these papers into consideration, and have the honor to report—

That it is, in our opinion, competent to Her Majesty's government to direct, if they should think fit, an indefinite postponement of the sale of the Mary, in the event of her condemnation, or (if it should be thought more expedient) permanently to retain that vessel, for Her Majesty's service, unsold.

The only law upon the subject we are aware of is, 16 and 17 Vict., cap. 107, sec. 228, under which the commissioners of customs would (we presume) always act upon such directions as they might receive, in any particular case, from the lords of Her Majesty's treasury.

Assuming that it might be desirable eventually to sell this vessel (in

the supposed case of her condemnation,) we should be disposed to recommend the postponement of any such sale, either till the termination of the present war or (at least) until such a period shall have elapsed as to render it no longer probable that it would be the object of any person to purchase her for the war-service of the Confederate States.

If, however, there should be any serious objection to this course, we think it ought to be made one of the conditions of any sale at Nassau that the purchaser shall give substantial security against the use of this vessel, either by himself, or by any person deriving title from him, in aid of the war-service of the Confederate States, within such a period of time from the sale as may be thought sufficient.

No. 22.

Mr. Hammond to Sir F. Rogers.[1]

FOREIGN OFFICE, *March* 24, 1865.

SIR: With reference to my letter of the 9th instant, I am directed by Earl Russell to transmit to you, to be laid before Mr. Secretary Cardwell, a copy of a report of the law-officers of the Crown,[2] respecting the course which this government should pursue in the event of the condemnation of the Mary, or Alexandra, to prevent that vessel coming into possession of agents of the so-styled Confederate States.

A copy of this report has been forwarded to the lords commissioners of Her Majesty's treasury.

I am, &c.

(Signed) E. HAMMOND.

No. 23.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *April* 8, 1865. (Received April 10.)

SIR: In continuation of the correspondence respecting the seiz-seizure of the steamer Mary, formerly the Alexandra, at Nassau, I am directed by Mr. Secretary Cardwell to transmit to you, for the information of Earl Russell, copy of a dispatch from the governor of the Bahamas, relative to a statement made by the owner of the [283] *vessel, that she had been altered by him into a passenger-ship, and duly advertised to trade between Bermuda, Nassau, and Saint Thomas.

I am, &c.,

(Signed) FREDERIC ROGERS.

[Inclosure in No. 23.]

Governor Rawson to Mr. Cardwell.

GOVERNMENT HOUSE,
Nassau, March 7, 1865.

SIR: With reference to the letter of Mr. Lafone, the owner of the steamer Mary, under seizure in this harbor, which was contained in your dispatch of the 3d ultimo, I observe

[1] A similar letter was addressed to the treasury. [2] No. 21.

that he states that this vessel had been by him altered into a passenger-ship, and duly advertised to trade between Halifax, Bermuda, Nassau, and Saint Thomas.

2. I have called the attention of the attorney-general to this statement, as showing the bad faith of the owner; because the vessel when she arrived here was not fitted up, or adapted to be used as a passenger-vessel, and it was never alleged by the captain, or agents, that it was intended to employ her as such, but that she was to be sent to Saint Thomas for sale.

I have, &c.,
(Signed) RAWSON W. RAWSON.

No. 24.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *April* 12, 1865. (Received April 13.)

SIR: I am directed by the secretary of state for the colonies to transmit to you, for the information of Earl Russell, copies of a dispatch from the governor of Bahamas, dated the 3d ultimo, forwarding correspondence on the subject of the seizure of the Mary.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 24.]

Governor Rawson to Mr. Cardwell.

GOVERNMENT HOUSE,
Nassau, March 3, 1865.

SIR; In compliance with the instruction conveyed in the concluding paragraph of your dispatch of the 10th ultimo, I have the honor to transmit copies of my letter to Vice-Admiral Sir James Hope, upon the subject of the seizure of the steamer Mary, and of his excellency's reply, just received.

I have, &c.,
(Signed) RAWSON W. RAWSON.

[Inclosure 2 in No. 24.]

Governor Rawson to Sir J. Hope.

GOVERNMENT HOUSE,
Nassau, December 14, 1864.

SIR: I have the honor to inform your excellency that I had occasion yesterday to order the seizure of the British steamer Mary, for a violation of the seventh clause of the foreign-enlistment act.

2. Upon the day after my arrival in this colony, I found that the lieutenant-governor had been in correspondence with the United States consul regarding this vessel, which the consul alleged was about to be employed for warlike purposes against the merchant-vessels of his nation.

[284] *3. I need not trouble your excellency with the details of this correspondence. I will only state that the lieutenant-governor communicated to the consul the opinion of the attorney-general that the proofs which he had adduced, founded upon the confidential statements of persons, whom he was unwilling to name, and who, consequently, could not be brought forward in court, were insufficient to justify the seizure or detention of the vessel. A search had been made, resulting only in the discovery of a 12-pounder gun, rifled, taken on board at Bermuda as merchandise, and of a case supposed to contain shell; both of which the agents of the vessel were willing to land.

4. The United States consul protested against this decision, and upon examining the correspondence, and ascertaining that the search made was not complete, inasmuch as nothing was known of the contents of certain packages shipped at Bermuda, I directed

these to be opened, and landed. The consequence has been the discovery of numerous articles of a warlike character, with flags and papers of the Confederate States, which, with the articles previously discovered, the attempts at concealment, and the preparation actually made in this port for fitting up berths, left no doubt that the vessel was about to be employed as a confederate cruiser, and had violated the seventh clause of the foreign-enlistment act.

5. I inclose a document, showing the description of warlike articles found on the second search, and another describing some of the suspicious articles found in Mr. Hamilton's box. This is doubtless the officer of the Confederate States navy, referred to by Her Majesty's attorney-general on the trial in England, as implicating confederate officers in the construction of the Alexandra.

6. I also forward a copy of the attorney-general's opinion, upon which, delivered in the first instance orally, I ordered the vessel to be seized. It is his intention to proceed against the vessel, without delay, in the vice-admiralty court of this colony.

7. The seizure was effected yesterday without difficulty by the chief revenue officer, and customs officers have been put on board. The receiver-general was apprehensive of an attempt to recover possession during the night; the officer in command of the troops, at my request, placed a guard on board. I have had her since moved down to the ordnance-wharf, where she will remain in charge of the customs, and under the surveillance of the military.

8. It had been my intention to call your excellency's attention to the inconvenience of this harbor and large group of islands being left without the protection of a ship of war, under the present peculiar circumstances, and to express a hope that, especially after the total disappearance of the yellow fever, your excelleney might be able to detach a suitable vessel for this service. The present occasion has demonstrated the need of such support. There was no competent officer here to pronounce an opinion upon the question whether the large gun found in the Mary was adapted for naval purposes. The subaltern of royal artillery stationed here declared his inability to do so. There was no naval officer to examine the vessel, and to inform me whether any, and what preparations, besides the fitting up of berths, had been made for the equipment and arming of the vessel. I regretted much that a naval, rather than a military force, had not been employed to take and hold possession of her. During the continuance of that possession, and the progress of the legal proceedings, I shall feel anxious for the presence of a ship of war; and if the vessel be condemned, the services of one will certainly be required for the removal of the vessel and for the execution of any orders regarding her which may be received from Her Majesty's government.

9. There are also other reasons for my making this request. It has been reported to the government that depots of coal have been, or are likely to be, established on some of the out islands, for the use of the cruisers of one or others of the belligerent American States. It has also been asserted that if the Mary had got out of this port, she would, like the Oreto, have received her crew and stores on one of these islands.

10. It has been stated to me by all of my principal officers that rockets are fired off very frequently on different parts of this coast, and that lights are seen at sea, and it is supposed that these are signals between Federal cruisers and parties on shore, and that boats from the former visit the shore by night. There is no doubt of the close proximity of these vessels on the coast. On my way down from New York last week, a gun-boat, carrying the American colors, bore down upon the Corsica, and immediately afterward upon the light-house brig, and stood off, apparently, as soon as she had discovered their character. This was within a very short distance of the shore of Abaco, though not perhaps within the maritime league.

11. For these reasons, but specially on account of the seizure of the steamer
[285] * Mary, I am anxious for the presence and support of a ship of war, and I hope that your excellency will be able to detach one with little delay for this service. It would be an advantage if she had a small tender for visiting the surrounding islands.

12. I intend by the first opportunity to address the Secretary of State to the same effect.

I have, &c.,
(Signed) RAWSON W. RAWSON.

[Inclosure 3 in No. 24.]

Vice-Admiral Sir J. Hope to Governor Rawson.

DUNCAN, *at Bermuda, January* 13, 1865.

SIR: I have to acknowledge the receipt of your excellency's letter of the 14th ultimo, and regret that there appears to be every prospect of my leaving Bermuda prior to the arrival of Commander Preston, from whom I had hoped to receive such further infor-

mation relative to the Bahamas as would have enabled me to enter upon the several topics to which you advert more satisfactorily than I am now able to do.

2. I have to thank your excellency for the detailed information which you afford me in regard to the detention of the Mary, late Alexandra, of which I have no doubt Her Majesty's government will entirely approve.

It would, however, not be consistent with my duty to have allowed a naval force to have taken possession of her, unless such resistance had been made to the civil authorities as would have prevented their performance of that duty; and in such case she would immediately have been transferred to the civil authorities, in whose custody it is alone fitting that she should remain.

3. Commander Preston will have, I hope, acquainted you with the tenor of my orders to the senior officer at Nassau, in which case you will have observed that the supposed illicit practices of the belligerent cruisers, adverted to in your letter, as well as those of the slave-vessels, have not been lost sight of.

4. No such thing as a small tender exists on the station, except those attached for special service to the stationary guard-ships at Bermuda and Jamaica; and while it is my intention to keep a vessel of war on the Bahamas station, (and witht hat view Commodore Cracroft has been directed to send a small vessel up from Jamaica with the least delay possible, until I shall send the Cordelia from Barbadoes to replace her,) I can hold out no prospect to you of any further increase of force on the Bahamas station.

I have, &c.,
(Signed) J. HOPE.

No. 25.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *May* 9, 1865. (Received May 10.)

SIR: I am directed by Mr. Secretary Cardwell to transmit to you, for the information of Earl Russell, the inclosed copy of a dispatch from the governor of the Bahamas, respecting the steamer Mary.

Mr. Cardwell has referred the governor, in answer, to the instructions which have been sent to him, in accordance with your letter of the 24th of March, not to sell the vessel in the event of her being condemned by the vice-admiralty court.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure in No. 25.]

Governor Rawson to Mr. Cardwell.

GOVERNMENT HOUSE,
Nassau, March 31, 1865.

SIR: In reply to your dispatch of the 10th March, respecting the future destination of the steamer Mary, now under seizure here, in the event of her forfeiture being
[286] *declared valid by the court of vice-admiralty in this colony, I shall await your further instructions regarding her.

2. But I would take the opportunity of pointing out that the form of judicial process, under which the matter is now before the court, would not admit of the court directing her to be sold, or of my selling her without your orders.

3. The vessel has been seized as forfeited for a breach of the foreign-enlistment act. Her owners came before the court as claimants, to recover her from the government, on the ground of her having been seized without due cause. If the court rejects their claim, she will remain in the charge of this government, as forfeited to the Crown, until I receive your orders as to the manner of disposing of her.

4. The information received by the United States consul in this city, as to the possibility of her being bought in by her former owners, which he reported to his Government, could only have emanated from some subordinate officer, ignorant of the facts of the case, or disposed to amuse himself by practicing upon the credulity of the consul.

I have, &c.,
(Signed) RAWSON W. RAWSON.

No. 26.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *July* 5, 1865. (Received July 6.)

SIR: With reference to your letter of the 13th January last, I am directed by Mr. Secretary Cardwell to transmit to you, for the consideration of Earl Russell, copy of a dispatch from the governor of the Bahamas, reporting that the trial of the Mary, formerly the Alexandra, has resulted in the acquittal of the vessel, and explaining the grounds on which the colonial attorney-general has decided to abstain from appealing against the judgment of the vice-admiralty court.

I am also to inclose copy of a dispatch from the governor, containing copy of a letter, in which he has communicated the judgment of the court to Her Majesty's minister at Washington.

I am, &c.,
(Signed) T. FREDK. ELLIOT.

[Inclosure 1 in No. 26].

Governor Rawson to Mr. Cardwell.

GOVERNMENT HOUSE, *Nassau, June* 3, 1865.

SIR: I have the honor to report, for the information of Her Majesty's government, that the cause of the Queen *vs.* The steamship Mary, &c., was argued in the vice-admiralty court before Acting Chief Justice Doyle, on the 22d and 23d ultimo. His honor's judgment was delivered on the 30th ultimo. I inclose a printed copy of it. No report exists of the arguments on either side; but the main purport of these, and the facts of the case, are pretty fully set forth in the judgment.

2. The decision is adverse to the Crown. The judge admits the warlike character of the vessel, and the fitness of the gun found on board of her for naval warfare. But he takes his stand upon the question of intent, and pronounces that there is no sufficient proof of the intent required by the foreign-enlistment act, according to the interpretation recently put upon it by the highest legal authorities in England; that there is nothing to connect the owner or captain of the vessel with the owner of the packages found on board of her, which identify that person with the confederate cause, or to connect the owner of those packages with the confederate government in the capacity of agent, and that, consequently, it was unnecessary for him to enter upon the other questions to which, it would seem, the advocates on each side had mainly addressed themselves.

3. These were two—one of law—What was the degree of equipment which would render the vessel liable to forfeiture? and the other, of fact, whether such a degree of equipment had or had not been effected or attempted in this case? These were [287] the *points to which the law-officers of the Crown had chiefly directed attention in their report, forwarded in your confidential dispatch of the 14th of January last.

4. The attorney-general moved the court to adjourn until the 2d instant, to enable him to consider whether he should enter an appeal. He subsequently discussed this point with me, and after a perusal of the judgment he has decided in a report, of which I inclose a copy, to abstain from appealing.

5. I have also carefully considered the judgment and his report, and have discussed both with him. Understanding that it would not be in the power of the Crown to supply any fresh evidence in support of its claim, I can arrive at no other conclusion than to accept and act on his opinion.

6. If, however, there had been any reasonable ground upon which to hang an appeal, I should have felt strongly disposed to enter one. If this judgment, and the decision of Lord Chancellor Westbury, in the case of Chavasse *vs.* Glazebrook, cited by Chief Justice Doyle, are henceforward to rule this class of cases, it will be almost hopeless, especially in an isolated and distant colony, to attempt to obtain a conviction under the seventh section of the foreign-enlistment act.

7. It appears to me that it would only be necessary for a person intending to violate that act to keep his counsel, and to advertise his vessel for dispatch to a belligerent port, and for sale there; in which case he might equip, arm, and man her without

interruption in a British port, whence she could issue unrestrained, and commence cruising as soon as she had passed out of British waters, within sight of the baffled officers of government.

8. It appears to me also that if proof be required of the guilty knowledge of the owner of the vessel, who may be beyond the reach of the local court, or of the captain, who may be in ignorance of the contents of the cases shipped on board of the vessel, or possibly of the owner's intentions; and if it be required to prove the connection of one or the other with the belligerent government, it will be very difficult to obtain a judgment for the Crown.

9. Moreover, if Lord Westbury's *dictum* be accepted, that it needs "proof of an agreement, understanding, or concert with a belligerent power" to establish a violation of the foreign-enlistment act, it will be almost impossible to attempt to enforce the law. Volunteer cruisers may be equipped and manned in swarms, with no power on the part of the government to detain them in or out of British waters, and with a certainty that as soon as they reach the belligerent country the necessary agreement will be eagerly made, and all the evils would arise which the act of 1819 was intended to prevent.

10. For these reasons I should have been glad if the judgment had afforded an opportunity of bringing these important questions and decisions before the highest court in Her Majesty's kingdom. But as the attorney-general does not consider himself justified on professional grounds in advising an appeal, and as I see no sufficient ground on which to act in opposition to his opinion, I do not feel myself at liberty to act upon my own views of the political bearings of the question, which, if correct, may receive the separate consideration of Her Majesty's government, independent of any connection with this particular case.

11. I therefore have to report that I shall act upon the attorney-general's opinion, and restore the vessel to the representatives of the owner.

I have, &c.,
(Signed) RAWSON W. RAWSON.

[Inclosure 2 in No. 36.]

The attorney-general to Governor Rawson.

May it please your excellency:

In accordance with your excellency's desire I have, as well as the brief period which has intervened will permit, considered the judgment delivered on Tuesday last by the learned judge in admiralty, in the case of the Mary, and while I fully admit the great ability displayed in it, I nevertheless cannot yield an entire concurrence to the reasoning by which the conclusion is arrived at, that the intents charged in the information were not sufficiently established.

2. Except in very rare instances, proof of a particular intent can only be reached by evidence of the circumstances attending, or connected with the act or acts from which such intent is to be inferred; and in this case, having proved the adaptability of [288] the *Mary for warlike purposes, having traced her consignment to a confederate citizen at Bermuda, the shipment at Bermuda of the gun, shot, shell, hammocks, and hammock-racks, for the latter of which she had been prepared by original build; the previous shipment at Halifax of the confederate flags and of the effects of Lieutenant Hamilton, of the Confederate States navy, having shown that she arrived at Nassau with the above-mentioned articles on board, the gun being actually on deck, although in a case; that there were no bills of lading which could be produced here as ought to have been done, if it had been a *bona fide* mercantile voyage; having shown that, although avowedly bound to Charleston, her crew were at once discharged here, and that works for the accommodation of an increased number of men, commenced at Bermuda, were completed at Nassau; and that having further shown that the shell and cannister shot found on board were fitted for the gun, and that the gun itself was an apt implement of warfare to be used on board the Mary, I consider that I had sufficiently sustained the case for the Crown; and that unless the claimants were able, by their witnesses, to show the innocent character of the circumstances so relied on by me, the forfeiture must be pronounced for.

3. The judge, however, took a different view, and required a description of evidence which it was impossible for me to procure, and which, I venture to add, will be found alike impracticable in any other case of forfeiture under the same statute.

4. The questions of law which were raised as to the construction of the foreign-enlistment act were, as your excellency will perceive, left wholly undecided by the judge; but he nevertheless, I cannot help thinking, erroneously alluded to, and laid great stress upon, a newspaper report of the decision of the Lord Chancellor in the recent case of Chavasse *vs.* Glazebrook, which, even if correctly reported, is a case which can have no bearing on the questions at issue with respect to the Mary.

5. On the whole I have arrived at the same conclusion, that the decree of Judge Doyle does not satisfactorily dispose of the important matters involved in the case before him; but at the same time, as his decision is based solely on a question of evidence, I am not prepared to take upon myself the responsibility of advising an appeal, which would necessarily be attended with heavy additional expense; and I the more readily adopt this course as, in consequence of the present state of affairs in the United States, it is in the highest degree improbable that the future employment of the Mary will be for the warlike purposes for which I believe she was originally, and at the time of her seizure here, designed. I therefore advise your excellency to allow restitution to be at once made.

I have, &c.,
(Signed) G. C. ANDERSON.

[Inclosure 3 in No, 26.]

Governor Rawson to Mr. Cardwell.

GOVERNMENT HOUSE, *Nassau, June* 5, 1865.

SIR: I have the honor to forward, for your information, a copy of the letter in which I have communicated to Her Majesty's minister at Washington the judgment of vice-admiralty court in the case of the Mary, which forms the subject of my two preceding dispatches.

I have, &c.,
(Signed) RAWSON W. RAWSON.

[Inclosure 4 in No. 26.]

Governor Rawson to Sir F. Bruce.

GOVERNMENT HOUSE, *Nassau, June* 5, 1865.

SIR: With reference to the correspondence which has taken place between Mr. Burnley and myself upon the subject of the seizure of the British steamer Mary, formerly the Alexandra, in this port in December last, I forward, for your information, and for that of the United States Government, if you should consider it desirable to communicate it to them, printed copies of the judgment delivered in this cause in the vice-admiralty of this colony on the 30th ultimo.

[289] *2. The judgment is unfavorable to the Crown. It decrees the restitution of the vessel, but without costs. The attorney-general advises that there is not sufficient ground for appealing against this decision, and I concur in his opinion.

3. I should have felt great disappointment at this result if there had been any probability, in the present position of American affairs, of the vessel being engaged in the employment for which I still believe she was originally intended.

I have, &c.,
(Signed) RAWSON W. RAWSON.

[Inclosure 5 in No. 26.]

Case of the Mary, (better known as the Alexandra,) seized at Nassau under the foreign-enlistment act—Decided in the vice-admiralty court of the Bahamas, May 30, 1865.

Counsel for the Crown: Hon. G. C. Anderson, attorney-general.
For the respondents: B. L. Burnside, esq., barrister-at-law.

DECIDED IN THE VICE-ADMIRALTY COURT OF THE BAHAMAS.

Tuesday, May 30, 1865.

Our Lady the Queen, *vs.* British steamship Mary, her tackle, &c. Cause of forfeiture under seventh section of foreign-enlistment act.

His honor Judge Doyle delivered the following judgment:

This is a cause of forfeiture promoted by the Crown with a view to the condemnation of the steamship Mary, a British registered vessel, together with the furniture, tackle, and apparel belonging to her, and also certain articles lately being on board of her, for certain alleged violations of the seventh section of the foreign-enlistment act, 59 Geo. III, cap. 69.

The information, filed by the attorney-general, contains sixty-four counts. In the first thirty-two some of the violations in question are stated to have occurred within a part of Her Majesty's domains called and known as the Bermuda Islands; and in the remaining counts other violations are alleged to have taken place within another

part of Her Majesty's dominions, to wit, at Nassau, in the Island of New Providence, one of Her Majesty's Bahama Islands.

The first count of the information is as follows: "For that certain persons, to wit, Edward Montgomery Collier, Henry Lafone, J. H. Phinizy, and divers and very many other persons whose names are to the said attorney-general at present unknown, heretofore and before the making of the said seizure, and after the 3d day of July, which was in the year of our Lord 1819, and before the said 13th day of December, in the year of our Lord 1864, aforesaid, to wit, on the 14th day of November, in the year last aforesaid, within a certain part of Her Majesty's dominions called and known as the Bermuda Islands, without any leave or license of Her Majesty for that purpose first had and obtained, did equip the said ship or vessel, with intent and in order that such ship or vessel should be employed in the service of certain foreign States styling themselves the Confederate States of America, with intent to cruise and commit hostilities against a certain other foreign State with which Her Majesty was not then, to wit, on the day and year last aforesaid, at war, to wit, the Republic of the United States of America, contrary to the form of the statute in such case made and provided, whereby and by force of the statute in that case made and provided the said ship or vessel, together with her tackle, apparel, and furniture, and the articles aforesaid, became and was forfeited."

The second count only differs from the first in this, that it charges the intent to cruise and commit hostilities to be against "citizens of" the Republic of the United States, and not merely the republic itself.

The third count is similar to the first, except in omitting the name of the foreign State in whose service the ship was intended to be employed.

The fourth count resembles in all respects the third, save in stating that it was against the "citizens of" the Republic of the United States of America the Mary was to cruise.

[290] *The fifth count is like the first, only differing from it in the description of the nature of the service in which the ship was to be employed, viz, "in the service of divers and very many persons exercising the powers of government in and over certain foreign States styling themselves the Confederate States of America."

The sixth count follows the fifth, but specifies the intent to be to cruise and commit hostilities against "citizens of" the Republic of the United States of America.

The seventh count resembles the first, except in the description of the service in which the ship should be employed, alleging the service to be that "of divers and very many persons exercising the powers of government over part of a certain foreign people, to wit, part of the people of the United States of America."

The eighth count follows the seventh, save in this, that it states that the Mary is to be employed to cruise against "citizens of," and not, as in the latter count, the "Republic of the United States of America."

Counts from nine to sixteen inclusive are mere transcripts of the first eight counts, except in stating the offense charged to be "to arm" instead of "to equip."

Counts from seventeen to twenty-four are similarly framed, but charge an "attempt and endeavor to equip," in lieu of "to equip."

Counts from twenty-four to thirty-two are transcripts of the first, second, third, fourth, fifth, sixth, seventh, and eighth counts, with the words "did equip" left out, and the words "did attempt and endeavor to arm" inserted instead.

With respect to the last thirty-two counts of the information, I have already mentioned that they contain charges similar to those embodied in the first thirty-two counts, with the single exception that the several offenses in the various counts set forth are stated to have been committed at Nassau in lieu of the Bermuda Islands. The only difference, therefore, between the two sets of counts consists in the place where the violations of the statute are alleged to have happened.

The seizure of the steamship Mary, and certain articles lately on board of her, was made on the 13th December, 1864, by the Honorable John d'Auvergne Dumaresq, Her Majesty's receiver-general and treasurer and chief revenue officer for the Bahama Islands; and, on the 12th January, 1865, a claim was put in by a certain Edward Montgomery Collier, on behalf of Henry Lafone, of the city of Liverpool, merchant, as "the true, lawful, and sole owner and proprietor of the said steamship Mary, her tackle, apparel, and furniture; and on behalf of certain persons trading and carrying on business as a mercantile firm at Halifax, in the province of Nova Scotia, under the style of B. Weir & Co., as the true, lawful, and sole owners of six cases, one cask, and one bale of merchandise, marked as follows: one case S D H, one bale and two cases marked H H, one cask marked P H, two cases and one box marked J R H; and on behalf of J. H. Phinizy, of the town of St. George's, in the Island of Bermuda, as the true and lawful and sole owner of three cases of merchandise and of four bundles of canvas marked J R, and of two cases of merchandise marked J—R H, and of three cases of merchandise marked O C, the said cases, bales, cask, box, and bundles being, as alleged, the cargo of the said ship Mary.

On the 14th February, 1865, the information in the cause was filed. The nature of

the several counts in it I have already explained. On the 21st of March following a responsive plea to the said information was put in by Mr. Burnside, in the name and as the lawful proctor of Edward Montgomery Collier, the master of the said steamship or vessel called the Mary, for and on behalf of the owner of the said steamship, her tackle, apparel, and furniture, and of the owners of certain packages of merchandise being, as alleged, the cargo of the said ship. By the responsive plea the claimants traversed all the material allegations contained in the information; in other words, the said several persons charged in the information with specific violations of the British foreign-enlistment act, placed on record their positive denial of the truth of all the charges, and put the Crown to the proof thereof.

Before proceeding to state the nature of the evidence legally necessary to support the information, and to establish such a violation of the statute in question as would, and ought to, occasion a forfeiture of the Mary, and the articles already referred to, I will read the all-important seventh section. It is in these words:

"That if any person within any part of the United Kingdom, or in any part of His Majesty's dominions beyond the seas, shall, without the leave and license of His Majesty for that purpose first had and obtained, as aforesaid, equip, furnish, fit out, or arm, attempt or endeavor to equip, furnish, fit out, or arm, or procure to be equipped, furnished, fitted out, or armed, or shall knowingly aid, assist, or be concerned in the equipping, furnishing, fitting out, or arming of any ship or vessel, with intent or in order that such ship or vessel shall be employed in the service of any foreign prince, [291]*state, or potentate, or of any foreign colony, province, or part of any province or people, or of any person or persons exercising, or assuming to exercise, any powers of government, in or over any foreign state, colony, province, or part of any province, or people, as a transport or storeship, or with intent to cruise or commit hostilities against any prince, state, or potentate, or against the subjects or citizens of any prince, state, or potentate, or against the persons exercising, or assuming to exercise, the powers of government in any colony, province, or part of any province or country, or against the inhabitants of any foreign colony, province, or part of any province or country with whom His Majesty shall not then be at war, or shall within the United Kingdom, or any of His Majesty's dominions, or in any settlement, colony, territory, island, or place belonging or subject to His Majesty, issue or deliver any commission for any ship or vessel, to the intent that such ship or vessel shall be employed as aforesaid, every person so offending shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, upon any information or indictment, be punished by fine and imprisonment, or either of them, at the discretion of the Court, in which such offender shall be convicted, and every such ship or vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores which may belong to, or be on board of any ship or vessel, shall be forfeited; and it shall be lawful for any officer of His Majesty's customs or excise, or any officer of His Majesty's navy, who is by law empowered to make seizures for any forfeiture incurred under any of the laws of customs or excise, or the laws of trade or navigation, to seize such ships and vessels aforesaid; and in such places, and in such manner, in which the officers of His Majesty's customs or excise, and the officers of His Majestys navy, are empowered respectively to make seizures, under the laws of customs and excise, or under the laws of trade and navigation; and that every such ship and vessel, with the tackle, apparel, and furniture, together with all the materials, arms, ammunition, and stores which may belong to, or be on board of such ship or vessel, may be prosecuted and condemned in the like manner, and in such courts as ships or vessels may be prosecuted and condemned for any breach of the laws made for the protection of the revenues of customs and excise, or of the laws of trade and navigation."

So far as the present information is concerned, it therefore becomes the duty of the Crown to prove to my satisfaction, sitting in this court as I do, as the judge of the fact as well as of the law, that one of the persons referred to in that information, did, in a part of Her Majesty's dominions, to wit, in the Bermuda Islands, or Nassau, without the leave and license of Her Majesty, equip, or arm, or attempt or endeavor to equip, or attempt or endeavor to arm the Mary, with intent and in order that such ship should be employed in the service of the Confederate States, with intent to cruise and commit hostilities against the United States of America.

The Queen's proclamation of neutrality of the 13th May, 1861, warning all persons not to infringe the provisions of the foreign-enlistment act, was in proof.

While at this stage of my judgment, and before passing on to the evidence in the case, I am induced to cite, as singularly appropriate, the following remarks of Baron Channel, delivered by him in the court of exchequer, when pronouncing his judgment in the case of the Alexandra: "We may, therefore, still further reduce the words we have to construe to these, 'equip with intent or in order that the vessel shall be employed in the service of a foreign power, with intent to cruise or commit hostilities." It is admitted, I think, on all sides, that these are the words upon which the main question in the case turns. Now, it is clear that the offense created by these words is one consisting of an act done with a certain intent or purpose. The act and the intent

must both be present to constitute the offense, and the act must be done, and the intent must exist, in the Queen's dominions. It is also, I think, agreed on both sides, that the intent spoken of must be the intent of some person who has control over the vessel, so as to be able to carry out his intent or purpose."

Chief Baron Pollock, in delivering his judgment in the same case, thus speaks upon this point: "Then the question arises, Whose intent does this information mean? Who is it that the information charges with an intent to cruise and commit hostilities? According to all the rules of pleading, it must be the intent of the person committing the act, and this would make all the counts, in substance, to mean much the same thing with reference to the intent."

Upon the question of intent I may also quote the observations of Baron Pigott on the same occasion. That learned judge thus expresses himself: "This intent I take to mean an intent of the principal, (who has the control of the ship), having directly for its object the employment of the vessel by a foreign state, or in the equipper a like intent, and with such intent contributing equipments of some kind, necessary to
[292] such* employment." Again, in another part of his judgment, "In my view, the prohibited intent is the main ingredient;" and his lordship adds, "and any act of equipping done in furtherance of that intent constitutes the whole offense."

Having already remarked generally what it devolved upon the Crown to prove, I shall further state my views more in detail. The evidence to be adduced should consist: first, of acts done to or with reference to the ship; and secondly, of the intent with which the acts were done.

The acts charged are four: equipping, arming, attempted equipment, and attempted armament.

The prohibited intent is the intended employment of the Mary in the service of the Confederate States, against the United States, for the purpose of aggression.

"Equipping" and arming, within the statute, I take to mean for a warlike purpose. As regards attempting to equip, or attempting to arm, it was conceded by both sides in the course of the argument, that those offenses consist in the attempting such an equipment or such an armament, as, if completed, would amount to the principal offense.

I shall now proceed to state and deal with the facts of this case as disclosed in the evidence before the court.

The steamship Mary, originally and better known as the Alexandra, was, under that name, seized some time ago, at Liverpool, for an alleged violation of certain provisions of the British foreign-enlistment act. Proceedings were then taken against her, at the instance of the Crown, on the revenue side of the court of exchequer, with a view to her condemnation. Those proceedings, however, terminated adversely to the Crown, and the ship was released. On the 14th of July, in the past year, she was registered at the port of Liverpool by the name of the Mary, as British-built at Liverpool, in the county of Lancaster, in 1863: and, according to the certificate of her registry, Henry Lafone, of Liverpool, in the county of Lancaster, merchant, was the sole owner, and Edward Montgomery Collier the master of the ship. How she became the property of Mr. Lafone is not in evidence. On the 17th of July she left Liverpool for the Bermuda Islands, and would appear to have stopped at Madeira on her way, so that she did not arrive off the port of St. George, Bermuda, till the 30th of August. She did not enter the port, and the reason for not doing so is to be found in the evidence of Mr. Phinizy, of the Confederate States. He was examined as a witness on behalf of the claimants—he being one of them—and thus swears: I am a merchant. Up to the month of January (last) I was carrying on business at the island of Bermuda. I know the steamship called the Mary. She is owned by Henry Lafone. I don't know how he became the owner of her. I know that he is the owner by her register, and from his instructions to me. The Mary arrived at Bermuda last year. She did not enter the port. I went out and told the captain that, as the fever was so bad, I had determined to send him to Halifax. I had instructions from her owner to load her and send her to Charleston, but, in consequence of the epidemic, I thought it madness to allow her to enter at St. George's. I therefore sent her to Halifax. Nothing was done with her then, except to send her to Halifax. Captain Collier was the master of her. Mr. Phinizy, in fact, was Mr. Lafone's agent at Bermuda, and the merchant to whom the Mary was consigned. In his examination-in-chief he states: "A pilot had been engaged to take the Mary into Charleston and had received his advance." Further on: "The pilot originally engaged for her, left when she was ordered to Halifax." In Mr. Phinizy's cross-examination, he says: "The pilot referred to was engaged in England by Mr. Lafone. He did not come out in the Mary. He came in the Owl. I think his name was Rumley. He brought me his agreement with Mr. Lafone. I think he was at Bermuda when the Mary first arrived there. The Mary was sent on to Halifax, and, as she was not expected until after the epidemic had ceased, he said that he could not wait so long. He had left before the Mary returned a second time." On the 31st of August, then, the Mary, without entering the port of St. George, left for Halifax, and arrived there shortly after. She must have remained at that port about

eight weeks, as she did not quit it till the 5th of November, when she started for Bermuda. It is important to consider what occurred at Halifax in that interval of time. What were Captain Collier's movements? We are enabled to ascertain them from Mr. Phinizy's evidence. That gentleman, when cross-examined, says: "Captain Collier, after the arrival of the vessel (alluding to the Mary) at Halifax, went to England and returned, joined the Mary at Halifax, and came down to Bermuda with her. He then told me he had orders to take her by the way of Nassau. I did not receive any written instructions from Mr. Lafone; he (Captain Collier) came direct and communicated it to me. I was acquainted with Captain Collier; he had brought out asteamer be-
[293]* fore for Mr. Lafone—the Little Hattie." It thus appears that Captain Collier, one of the parties charged in the information, did, while the Mary lay in the port of Halifax, visit England, and communicated, either directly or indirectly, with Mr. Lafone, the sole registered owner of the Mary, and who is also one of the parties charged in the information, respecting that vessel's movements.

On the 5th November, 1864, Captain Collier cleared the Mary at the custom-house at Halifax, "for Nassau, New Providence, *via* Bermuda, having on board eight cases dry-goods, two cases whisky, one case Old Tom gin, two cases hock, four cases brandy, three cases champagne, two cases claret, one barrel ale, one barrel porter, one barrel crushed sugar, one half-chest tea, one box paraffine candles, ex-warehouse." I shall not stop now to inquire what were the contents of the eight cases of dry-goods. It is better that I should do so hereafter. Suffice it to say, that the Mary, "mounted with no guns, and navigated with twenty-four men," left Halifax, and she arrived at St. George's, Bermuda, on the 14th November. She continued there till the 24th of that month. For the Crown it was most important to ascertain and prove what was done to or with reference to the ship, during that period, within the Bermuda Islands. Was she then and there equipped, or armed, or attempted to be equipped, or armed? Let us see. From her clearance at the port of St. George—one of the documents put in evidence by the Crown—it is to be collected that while there she took on board "twelve packages merchandise"—the contents not being stated. We are enabled, however, to ascertain what those packages really contained by a reference to Captain Collier's affidavit, made in support of his claim, which embodies admissions on his part of the numbers of the packages put on board the Mary at the Bermuda Islands, and the marks on the several packages; and by a further reference to the evidence of the receiver-general of the Bahama Islands, who, after the packages arrived in the Mary at Nassau, had them opened and examined. The contents of the several packages were as follows:

"One case marked O C."

As to this Mr. Dumaresq says: "The case was then partially opened, and I discovered a small gun with appurtenances complete." Again: "I re-examined the gun, and found that it was not only mounted on wheels, but that there was an iron tray on which the gun was made to traverse. This tray had eye-bolts—two on either side." Mr. Dumaresq goes on: "One case marked O C 2, contained shell, one of which (the one now in court) I saw placed in the muzzle of the gun before alluded to, and found that it was made to fit the groove in the bore of the gun; I further examined case marked O C 3, in which I found canister-shot. The one now in court was one of them, which I also saw fitted in the muzzle of the gun.

"Two cases marked J R ½.

"These cases contained iron hammock-racks, one of which I produce. I would here state," (adds Mr. Dumaresq) "that I took one of the hammock-racks on board of the Mary, and ascertained that it fitted the sockets or staples in the side of the vessel. A case marked J R 3, also contained iron hammock-racks, and iron handles for screws of side-lights.

"Four bundles of canvas hammocks.

"Two other cases marked J R H ½ were opened, and found to contain stationery." There can be no doubt, therefore, that warlike equipments of some kind and munitions of war were put on board the Mary within the Bermuda Islands. On the part of the Crown it is contended that the articles so put on board were to form a part of the armament and warlike equipment of the Mary. On the side of the claimants, there is the adverse contention that the contents of the several packages formed a part of the cargo of the Mary, while engaged on a regular and lawful commercial voyage from Halifax via Bermuda, to Nassau, with the ultimate intention of proceeding to the port of Charleston, and there entering by breaking the blockade. In order to connect the persons referred to in the information with the articles in question, let us inquire who sent them to the Bermuda Islands? In what vessel were they sent? To whom were they sent? What instructions had the consignee respecting them? And who put or had them put on board the Mary at St. George's? Mr. Phinizy's evidence supplies the answers to these several questions. Mr. Lafone, the sole registered owner of the Mary, being one of the persons charged in the information, was the person who sent the whole of these articles in the steamer Powerful to the Bermuda Islands, to his agent there, Mr. Phinizy—another of the persons charged; and who instructs the

latter to ship them on board the Mary for Charleston; and Captain Collier, the commander of the Mary—a third party charged—was the person to select, out of a quantity of articles sent out by Mr. Lafone to Mr Phinizy for shipment in the
[294] *Mary, ten out of the twelve packages of merchandise, the remaining two cases consisting of stationery, and belonging to Lieutenant Hamilton, of the Confederate States navy. Mr. Phinizy, in that part of his examination which relates to the non-shipment by him in the Mary of all the packages sent out to him by Mr. Lafone in the Powerful for that purpose, thus accounts for it. He says "she" (the Mary) "returned from Halifax to Bermuda, in the month of December, I think;" (it was in November she returned,) "and she reported to me as the agent of Henry Lafone. There was a large amount of goods lying there which I was ordered to ship in the steamer Mary to Charleston; the captain, however, informed me that he could not begin to take the cargo—that the ship was entirely inadequate to take that amount of cargo—and I merely shipped in her a few packages." Further on the witness says, "I think there are some packages among them belonging to Mr. Hamilton, so he told me. They were included amongst the goods received by the steamer Powerful for re-shipment to the Mary. When the whole cargo could not be taken on board, I received a note from Mr. Hamilton to have these packages put on board of the Mary for Charleston, as I supposed. Mr. Hamilton had no control at all over the steamship Mary." Upon being cross-examined as to this note, the witness adds, "I received a note from Halifax from Mr. Hamilton, requesting me to put a few packages on board, which he particularly designated to me as belonging to him when he was at Bermuda." How Mr. Hamilton got to Bermuda, whither he went after leaving there, and who he was, I collect from a previous part of Mr. Phinizy's cross-examination, where he says: "Mr. Hamilton did not come passenger in the Powerful. He arrived at Bermuda in the steamer Owl, and went on in her to Halifax. I believe he was an officer in the confederate navy; he had been in England for two or three years." The time of the Owl's arrival at Bermuda—that of her departure thence for Halifax—the period of her arrival at the latter place, or what became afterward of Lieutenant Hamilton, of the Confederate States navy, I am unable to collect from the evidence before me.

I come now to what was done to the steamship Mary, herself at Bermuda. Outerbridge, the chief mate of the Mary, who was examined on behalf of the claimants, in his cross-examination, thus swears: "While we lay in Bermuda the ship took in a fresh supply of coal. Some berths were fitted up, that is, my state-room was fitted up. The mate, second mate, and engineers' rooms were built up. The carpenters worked so badly that the captain ordered no more work to be done. They were carpenters from the shore; there were eight or ten of them. There was an ice-box made. There was plenty of work, as on board other ships. Tuesday, the 15th November, was the day we arrived at Bermuda, and we left on Thursday, the 24th. On looking at the log-book, I find that on Wednesday, the 16th November, there were sixteen carpenters employed; they were employed four days; they refitted the berths; they put up some new ones; the firemen objected to living in the forecastle; and the captain ordered berths to be put up in the forehold for them. The berths were not quite finished when we left Bermuda."

With regard to the exact number of berths found to be on board the Mary, a few days after her arrival at Nassau from Bermuda, McGregor, the customs boarding-officer at the former place, thus speaks: "I went down the main hatchway and saw four berths on the day I have just hereinbefore referred to, and some lumber, worked, planed, and grooved, for the purpose of making partitions. I saw two doors for a state-room. There was a piece of lumber nailed to the beams, for the purpose of putting up this partition, to form a state-room each side of the vessel. I saw thirty-six berths in all, twelve on deck forward, sixteen below deck forward, four in the main hatchway, and four on deck in the house forward, called the engineer's room. These do not include the officers' rooms on each side of the deck aft, and the cabins. When I went below there was no one in the hatch; there were boards which had been planed and grooved for the purpose of putting up a state-room. They were apparently new berths that were in the main hatchway; they were not painted."

I have thus stated, at some length, such parts of the evidence introduced in the cause as go to establish the fact that a gun and other munitions of war were placed on board of the Mary at Bermuda; and the further fact that the Mary was otherwise equipped at the same place.

The acts of armament, and the acts of equipment, indicated by the evidence just cited by me, are relied on by the attorney-general to sustain two most important legal positions which, in the course of the argument, he took up, and enforced with much ability.

[295] *I shall reverse the order in which he enunciated them, as, by so doing, I shall place them in the same order in which I have referred to the evidence.

One is "that the placing on board of a vessel at any British port of arms, or other munitions of war, with the intent that such vessel shall subsequently be employed as a cruiser in contravention of the statute, constitutes an arming within the meaning of

the statute, and forfeits the vessel, although, from the construction of the vessel or the incompleteness of the armament, she cannot be effectively employed as a vessel of war until some alteration is made in her structure, or some other munitions of war are added to those already on board."

With reference to the construction of the Mary, and the alterations which would be necessary to fit her completely for war, I shall hereafter have occasion to consider the important testimony of several officers of the British navy, who, after having inspected the Mary, and the gun in question, were examined in the cause. I would also remark here, that no gunpowder was found on board the Mary, nor was there the slightest evidence of any having been put on board.

Another position taken up by the attorney-general was this: "that anything done within the British dominions to a vessel already built, although not actually in itself an equipment for warlike purposes, if done with the intent that the vessel shall be employed for any purposes prohibited by the statute, notwithstanding that such employment shall not commence or be intended to commence until she is out of the territorial jurisdiction of the British Crown, works a forfeiture under the statute."

The attorney-general, in short, urged upon the court "that it is not necessary, for the purpose of working a forfeiture under the seventh section of the statute, that there should be either a complete equipment or a complete armament."

On the other hand, it was contended by Mr. Burnside, the counsel of the claimants, "that there must be a complete equipment, or a complete armament, putting the ship in a condition of proximate hostilities;" "that the putting on board of arms or ammunition could not work the forfeiture of the vessel unless they were intended to be the fittings, equipment, or arming of the vessel—although, at the time they were put on board, there was an intent that the vessel should cruise or commit hostilities;" and "that the equipment must be of a warlike character—in other words, suitable and appropriate for war."

The learned counsel also denied the existence of the intent charged in the information.

Now, inasmuch as the existence of the intent with which the acts were done is one of the main ingredients of the offense, without which no forfeiture of the vessel can occur, it is all-important that I should consider at once whether or not any evidence, direct or indirect, positive or circumstantial, has been brought forward which ought to satisfy me, as judge of the fact, standing in the place of a jury, that such an intent as that charged, and prohibited by the statute, did exist.

It will be, of course, unnecessary for me to determine whether I do, or do not, concur in the two propositions of the law advanced by the attorney-general, and which I have just quoted *in extenso*, until I find, as a fact in the cause, the intent assumed in both those propositions to exist—by which I mean "the intent that the vessel shall be employed as a cruiser in contravention of the statute."

To illustrate the necessity of finding that intent, I would here remark that it is quite competent and lawful for a neutral to sell, and also to carry to a belligerent power, munitions, and other articles contraband of war, subject, of course, to the right of the other belligerent to capture them *in transitu*, and confiscate them. That is the only penalty. Moreover, it has been solemnly decided, in a court of competent jurisdiction in the United States—I allude to the case of the Independencia, reported in 7 Wheaton—that a neutral may even build a ship of war, and completely arm her, and then carry and sell her to a belligerent power, in the absence of the intent prohibited by the American foreign-enlistment act—that such an armed vessel would only be contraband of war and liable, as such, to capture. In the case of the Alexandra, to which, in the earlier part of my judgment I had occasion to refer, Pollock, C. B., concurred in that view of the law—as being not only the law of the United States but of England; and since the close of the argument in this case on Tuesday last I have had the opportunity afforded me, by the arrival of the mail from England, of reading an elaborate decision of the lord chancellor, in the court of chancery, delivered as recently as the 22d of April last—I refer to the case of Chavasse *vs.* Grazebrook—in which that learned lord, after quoting from Vattel, thus expresses himself: "The same doctrine as
[296] to the freedom of the commerce of the *neutral subject, is more explicitly stated by Mr. Chancellor Kent, in the first volume of his 'Commentaries,' page 142, and was more distinctly affirmed in a celebrated decision of the Supreme Court of the United States. The language of Chancellor Kent is clear and comprehensive. 'It is a general understanding grounded on true principles, that the powers at war may seize and confiscate all contraband goods without any complaint on the part of the neutral merchant, and without any imputation of a breach of neutrality to the neutral sovereign himself. It was contended, on the part of the French nation in 1796, that neutral governments were bound to restrain their subjects from selling or exporting articles contraband of war to the belligerent powers. But it was successfully shown, on the part of the United States, that neutrals may lawfully sell at home to a belligerent purchaser, or carry themselves to the belligerent powers contraband articles, subject to the right of seizure *in transitu*. Their right has since been explicitly declared by

the judicial authorities of this country. The right of the neutral to transport, and of the hostile power to seize, are conflicting rights, and neither party can charge the other with a criminal act.'" The language of the judgment which affirms this, as given in Wheaton's Report, is the following: "There is nothing in our laws, or in the law of nations, that prohibits our citizens from sending armed vessels as well as munitions of war to foreign ports for sale. It is a commercial adventure which no nation is bound to prohibit, and which only exposes the persons engaged in it to the penalty of confiscation." I take this passage to be a very correct representation of the present state of the law of England also. For if a British ship-builder builds a vessel of war in an English port, and arms and equips her for war *bona fide* on his own account, as an article of merchandise, and not under or by virtue of any agreement, understanding, or concert with a belligerent power, he may lawfully, if acting *bona fide*, send the ship so armed and equipped, for sale as merchandise, to a belligerent country, and will not in so doing violate the provisions or incur the penalties of the foreign-enlistment act.

In taking up and dealing with the question of aggressive intent, I naturally look first, to the character of the steamship Mary, and her adaptability for war; secondly, to the nature of the alleged equipment and armament received by her at the Bermuda islands; and lastly, to the connection of the several persons referred to in the information with the Mary, with such equipping or arming, and with the Confederate States.

Upon the first point I would refer to the very fair and straightforward evidence of Captain Preston, commanding Her Majesty's ship Medea. That officer conclusively proves the adaptability of the Mary for war. He says, "I arrived in Nassau on Friday, the 16th of December last. Shortly after my arrival I saw the steamship Mary in the harbor. I visited that vessel in company with some officers whom I appointed to hold a survey, at the requisition of the Governor, on the afternoon of Saturday, the 17th. She was then lying off the barracks. I found some custom-house officers on board. I understood she was then under seizure. I examined her. I consider she is differently constructed from ordinary merchant-vessels; she was very much more strongly built and not adapted for carrying large cargo. Her topsides are very much stronger than in ordinary merchant-vessels; they are quite strong enough for any necessary equipment for warlike purposes. There are a number of staples in her side, apparently fitted for hammock-berthing, rails, or awning-stanchions. I did not see on that occasion any hammock-racks. I found a custom-house officer on board. He showed me what I believe are called iron-crutches, for building hammock-nettings in. One of them was tried in the staples referred to, and it fitted. Hammock-nettings are used on board ships of war for stowing the crew's bedding in during the day. I have never seen such fittings on board of merchant-vessels. Her upper deck was stronger than a merchant-ship's. Her deck is strong enough to bear guns. They are strong enough to bear one or two heavy guns, and two or four small guns. There is space for the larger number of small guns mentioned. I don't think there is space for more than one large gun in addition to four small ones. I found tanks on board of her. There were six, four of them constructed to fit the shape of the ship's bottom; the other two are secured to the side of the fore-hold. The whole of them would, I think, contain about 600 gallons of water. I have not measured them. If she was intended for a merchant-vessel, they would occupy space used in merchant-ships for stowing cargo. The four tanks fitted into the vessel are low enough to allow a deck to be built over them. There were air-scuttles in her, in the fore and main holds; a piece of copper was nailed over each of them outside. They are not usually found in merchant-vessels. This morning I saw on board of her screws for taking in and out the scuttles; they were shown to me by the custom-house officer. They apparently
[297] *fitted the scuttles on board of the Mary. The air-scuttles are in a position to be required if a lower deck was laid in her. There is no lower deck at present. I examined the cabins and deck-houses; they were built strongly, but some of the bulkheads of the midship deck-house were built over the holes for filling the coal-bunkers; and inside the side cabins are three cleets and bollards on the ship's side, which could not be used while the cabins are there. The lockers in the after-cabin cover the stern hawse-pipes. If the bollards, cleets, and hawse-pipes are to be used, the cabins must be removed. She has two cooking apparatuses, sufficiently large to cook for sixty men and officers. I say men and officers, because one more resembles those used on board our ships of war for officers, having a range, the other is fitted more for boilers. They are not exactly of the same construction as the cooking apparatus used on board our ships of war. From my inspection of her I am of opinion that her construction is more like that of a war-vessel than a merchant one."

As to the structure of the Mary, Captain Preston is corroborated by the other professional witnesses called for the purpose.

With respect to the character of the gun put on board the Mary, in a case at Bermuda—brought on her deck in that case to Nassau, subsequently transferred in the case from her deck into the main hold, and afterward landed here in the case—Captain

Preston thus speaks: "I have seen a gun which I understand has been seized with the Mary." (Other witnesses prove the identity of the gun inspected by Captain Preston with the gun taken from the Mary.) "I saw it at the barracks, in the barrack-yard. I examined it. It was a small rifled gun which I think could carry about a 12-pound shot. It was fitted with field-carriage, and also an iron slide-carriage. It is capable of being used on board ship. It is capable of being used on board of the Mary." In Captain Preston's cross-examination he adds: "The gun in question is a fit gun to form a portion of the armament of the Mary. The carriage is not similar to those used in our service, but is capable of being used. I should think it was of more recent invention than those we use. I did not measure the height of the bulwarks. I did not measure the height of the gun. A portion of the bulwark could be moved to adapt it for the gun. The upper portion of the bulwark would not be there if she was used for a war-vessel; it is easily removed. The bulwark is too high now for the gun to be used, but a portion of the bulwark could easily be removed. The upper portion of the bulwarks appear not to have been constructed in her original build. I know what are called flying-bulwarks—they are fitted to remove during action; these on the Mary are not similar. If the vessel was used for war purposes, the upper part of the bulwarks she has now, I should imagine, would be removed altogether. If I had seen the gun on the field-carriage only, I should have thought that it was for field operations; but, having had it placed on the slide, I saw that it was also adapted for service on board the ship. It is in the slide that the recent invention is; not more particularly, however, than in the gun and the other carriage. It is usual to have a field-carriage on board ships of war, and we have one on board of the Medea. They are used for shore purposes; they are usually not reckoned in expressing the number of guns with which a ship is armed. The gun in question is adapted for field-batteries, but small for fortifications. There are vessels in Her Majesty's service about the size of the Mary. Our gun-boats and gun-vessels are armed with small broadside guns of about that caliber. I am not sure what its caliber is. Our gun-vessels are usually armed with one or two large pivot-guns, and two or four small broadside-guns not on pivot-carriages. There are no gun-tackle or breeching-bolts on board of the Mary necessary to work guns. They are necessary to work broadside-guns. The gun I inspected could not be used without tackle-bolts. I believe gun-tackle bolts are put in after the building of the ship. They are generally driven through the side and clinched, I believe."

Captain Preston's testimony as to the adaptability of the gun in question for use on board the Mary, the fitness to form a part of her armament, and the nature of the alterations in her structure, and the additions which would be required to work the gun as a fighting-gun, is substantially confirmed by Lieutenant Bellet, of Her Majesty's ship Fawn, and the other witnesses brought forward on the part of the Crown, except Crump, the gunner of the Medea, whose evidence I shall refer to directly.

As to the time which would be occupied in making the requisite alterations, Mr. Horn, the gunner of the Fawn, thus deposes: "I am not a shipwright, but from what I have seen done by shipwrights on board of a man-of-war, I should think four men might make the alterations in two days, if the iron-work, such as the bolts, were made by blacksmiths;" and, when cross-examined, Mr. Horn adds: "I should
[298] *think that two blacksmiths would make bolts in a day—I mean that it would take four men two days to fit the gun as a broadside pivot-gun."

Mr. Horn also stated that the gun in question, with certain alterations in the housing of the Mary, might be used as a chase, as a broadside-gun.

The contention on the part of the claimants was that, though the Mary, from her original build, might be better adapted for a yacht than an ordinary merchant-vessel, and though it were possible to convert her into a vessel of war, yet that, when she left England, she was, and has ever since been, and is still a vessel engaged in lawful commerce, though it may be with a limited capacity to carry cargo; and that the gun in question was neither a part, nor fit or apt to be a part, of the armament of the Mary as a war-vessel, but that it was on the contrary a field-piece, adapted only to shore operations, and forming, with the other articles on board, the cargo of the Mary.

The claimants' view of the character of the gun is sustained by the testimony of Mr. Crump, the gunner of Her Majesty's ship Medea, who thus speaks: "The same day I examined the Mary I examined a gun. I should not think it was capable of being used on board ship; it was more of a field-gun, there being no place for a breeching to be rove. There was a slide with the gun; the slide might have been used on board ship. The gun cannot be used on board ship for the want of the breeching, there being no place to reeve it. The gun was on a field-carriage when I saw it. We tried to fix it on the slide with the wheels altogether. It fitted the carriage on the slide, but we could not fight it on board ship, as the axle-trees would touch the ship's sides in training. In saying ship here, I refer to any ship. A slide would be used on shore for a battery-gun."

As to the character of the gun, and its fitness for use on board ship, Mr. Horn, the gunner of Her Majesty's ship Fawn, differs entirely from Mr. Crump. The former de-

poses: "I do not agree with Mr. Crump when he says 'the gun cannot be used for want of a breeching,' for there are two holes, one on each side of the carriage, for the breeching to reeve through, in exactly the same manner as the boat's guns are in Her Majesty's ship Fawn." Further on, Mr. Horn proceeds thus: "I do not agree with Crump when he says he could not fight it on board any ship, as the axle-trees would touch the ship's side in training, and that a slide would be used on shore for a battery-gun;" and Mr. Horn gives these reasons for differing: he says, "In the first place, if it (the gun) was used on the housing of the Mary, there would be no ship's side for the axle-tree to touch; and as a broadside-gun, the ports and bulwarks in Her Majesty's service are considerably larger for pivot-guns than for the guns mounted on common truck-carriages. The slide is in no way adapted for any battery on shore that I ever saw or heard of."

Collating, as I have done, the evidence of five of the Crown's witnesses going to establish the fitness of the gun in question for use as a fighting-gun on board the Mary, with the solitary testimony of Mr. Crump in opposition to it, and considering the several reasons advanced on either side to show the real character of the gun, I have arrived at the conclusion that the gun is a fit and proper one to form a part of the armament of the Mary, if intended as such.

It must be borne in mind that the intent that I am to find is, in the the words of Channell, B, *in re* Alexandra, "an intent on the part of any one having a controlling power over the Mary, that she should be employed in the service of the Confederate States to cruise or commit hostilities against the United States."

What connection is there, then, between Mr. Lafone and the Mary? Between Captain Collier and the Mary? Between Mr. Phinizy and the Mary? Mr. Lafone is the sole owner, as far as the evidence goes, having the control of her movements; Captain Collier, the master, acting in concert with Mr. Lafone; and Mr. Phinizy, the agent of Mr. Lafone at Bermuda, acting under his instructions, and, as the consignee of the Mary at the port of Saint George, regulating her movements. Mr. Lafone sends the Mary to Bermuda by Captain Collier, who takes her there, and Mr. Phinizy, the agent, receives her; but, in consequence of the prevalence of epidemic fever at Bermuda, at once dispatches her to Halifax, there to remain until the epidemic shall have ceased, when she is to return to Bermuda. Captain Collier takes her to Halifax, leaves her there; goes to England; communicates directly with Mr. Lafone respecting the Mary, and returns to Halifax with verbal instructions for Mr. Phinizy, the Bermuda agent, as to the Mary's future movements; and Captain Collier then clears the Mary at Halifax for Nassau, *via* Bermuda, with, *inter alia*, eight cases of dry-goods ex-warehouse. The Mary leaves Halifax under Captain Collier's command; arrives at Bermuda with the
[299] eight cases on board; Captain Collier communicates to Mr. Phinizy, *the ship's consignee, Mr. Lafone's instructions that she is to proceed to Charleston via Nassau—so Mr. Phinizy swears—and there is no evidence to the contrary; and, in consequence of the quantity of merchandise sent out by Mr. Lafone to Bermuda in the steamer Powerful, for reshipment to the Mary, being greater than she could carry, Captain Collier selects ten of the packages, which are then and there put on board the Mary. Those packages, we know, contained a gun mounted on a carriage on a slide, shell and shot, both fitting the gun, hammock-racks, screws for side-lights, and canvas hammocks. How is Mr. Lafone connected with those packages? He shipped them to Bermuda for reshipment there in the Mary. How is Captain Collier? He, as stated by Mr. Phinizy, selected them out of other packages, to be put on board the Mary. From the fact of such selection it may be inferred that Captain Collier knew the contents—at any rate such an inference is not unreasonable in the absence of any evidence to the contrary. How is Mr. Phinizy connected? He had the packages put on board the Mary. But was he aware of their contents? He swears he was not. This is his evidence: "I did not know the contents of any of the packages. I did not make a selection of the cargo to be put on board the Mary. The twelve packages mentioned therein, (referring to the ship's clearance from Bermuda,) were those put on board of the Mary by direction of Mr. Hamilton and Captain Collier." I have already mentioned that Mr. Hamilton's packages were two in number, and contained stationery. Mr. Phinizy also says: "The articles put by me on board of the Mary were not intended by me, or by any other person within my knowledge, for the armament, fittings, or furniture of the Mary. I was the only person that had any authority over the Mary at Bermuda, under the instructions from Mr. Lafone." In another part of his examination, the same witness swears: "There was no intent on my part, or any person having control of the Mary, that she should be employed as a cruiser during the whole time that I had any knowledge of her; and she was absolutely, solely, and totally under my control while at Bermuda." Again: "Everything that was done at Bermuda was done with a view to facilitate the regular commercial voyage. She left for Charleston by the way of Nassau." The witness had previously stated: "I sent her to Nassau to get a pilot, as I thought it would be better for her to go to Charleston from Nassau than from Bermuda." The attorney-general, in commenting

upon Mr. Phinizy's evidence, remarked, "He was not unwilling to believe that gentleman an innocent agent in the matter, but he would not take the same view of Captain Collier's conduct. He regarded the latter as acting in concert with Lieutenant Hamilton, of the Confederate States navy, after having communicated with Mr. Lafone in England." As to Mr. Phinizy, I will here observe, at once, that I am not disinclined to agree with the attorney-general.

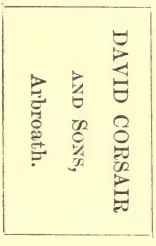
I come now to what I cannot help thinking the weakest part of the case for the Crown, so far as the evidence goes. I mean the connection between Mr. Lafone, Captain Collier, and the other persons charged in the information, and the confederate government. Up to this point I have not referred to anything disclosed in the case which would tend to satisfy me of that connection. I should not, nor would any dispassionate reasoning person, consider the shipment by Mr. Lafone, to Bermuda, of two cases of stationery, belonging to a lieutenant in the Confederate States navy, for reshipment in the Mary to Charleston, as making out that connection. Let me then look to what took place at Halifax for the purpose of ascertaining whether anything which was done there can throw light upon the case—can illumine what, up to this, to say the least, is not very clear. We know as a fact that Mr. Hamilton, a lieutenant in the Confederate States navy, after having arrived at Bermuda in the steamer Owl, in the course of the past year—the precise time is not in proof—left in the same vessel for Halifax; and that he afterward arrived there, though not the period of his arrival, is to be inferred from the fact of Mr. Phinizy's receiving a note from him from Halifax. How long Lieutenant Hamilton remained there is not in evidence. We know that the Mary, on the 31st August last, also left Bermuda for Halifax, and that she arrived there about the 9th September, and did not quit that port till the 5th November following, during which time Captain Collier visited England and returned. Was there any communication, direct or indirect, between Captain Collier and Lieutenant Hamilton at Halifax, or elsewhere? There is no evidence that there was. It is not even in proof that they were either at Bermuda or Halifax at the same time. Was there, then, any communication of any sort between Mr. Lafone and Lieutenant Hamilton at Halifax? No testimony upon the point has been adduced; nor have there been any proofs afforded me of any communication whatever between either Captain Collier or Mr. Lafone and the Confederate States government, or any of its
[300] agents. Let me now inquire into the contents of the eight *cases of dry-goods, shipped on board the Mary at Halifax, to see whether they can shed any light upon the character or ultimate destination of that vessel. I am enabled to ascertain the contents thus: "The Mary's report of her cargo, delivered at the custom-house in Nassau, enumerated twenty packages; of these, it is in evidence that twelve were put on board at Bermuda, and the contents of them I have already set forth; therefore, all I have to do is to look to the proofs brought forward by the Crown of the contents of the remaining eight. They are to be found in the evidence of Mr. Dumaresq, the receiver-general and treasurer of this colony, who, after the packages in question had been landed here from the Mary, had them opened and examined. He proves those contents to be as follows: "A case marked S D H contained drugs and lint," "case marked H H 2 contained ship and boat confederate ensigns, pennants, log-lines, bolts of canvas, thread, &c." The witness says, "I produce the flags and pennants in the very brown-paper wrapper in which I found them. On that wrapper is written—

4 yards confederate ensign.
1 " boat.
1 " 26 feet, pennant.

"Also, a boat-ensign in a paper wrapper, tied up with red tape, and marked confederate boat's ensign.

"I also found several bolts of canvas, one of which I produce, with a red mark down the center, and stamped—

41
2
Navy.
Long flax.



"A cask was first opened, marked P H, and found to contain scrubbing-brushes, tin cans, &c." "A case marked J R H was opened, and first there was found a blank confederate naval commission; a parcel containing a form of a 'quarterly pay receipt and muster-roll' of ———, a form of a 'general pay and receipt roll,' among which there was a wrapper addressed to

"'Mr. Hamilton,
"'Messrs. Fraser, Trenholm & Co.,
"'*Rumford Place.*'

"Also a form of a 'list of clothing;' a form of 'small stores' required for mess No. ———, and a book entitled 'Regulations for the Navy of the Confederate States, 1862,' and a number of other nautical books, log-books," &c. The blank commission, the several forms just alluded to by me, the paper wrapper, and the book of regulations, I now produce. In that case there was a smaller case containing four packages of screw tourniquets, numbering in all twenty-four, which I now produce. I also found, and now produce, a surgical amputating case of instruments. In the large case I found a package of visiting-cards, one of which I now produce, thus printed:

"'Mr. J. R. Hamilton,
"'Lt. C. S. Navy.'

"Another case was examined — $^{J\ R}_{3}\ ^{H}$ — which contained six brass wheels." Mr. Dumaresq, in his cross-examination, when questioned upon the point, stated: "The box in which I found the regulations of the confederate navy had a number of other books; it appeared to me to be private effects of the person whose card I produced, Mr. J. R. Hamilton." Having thus ascertained the contents of the eight packages, it is important to know who sent them to Halifax, when they were sent, from where, and to whom they were sent. There is no satisfactory evidence upon [301] *these points; and, more particularly, there is no evidence to connect either Mr. Lafone or Captain Collier with the sending of them. By whom, or by whose orders, then, were they shipped on board the Mary at Halifax? As to this, there is no sufficient evidence, unless the Crown accepts the admission of Captain Collier in the affidavit which he made in support of the claim filed in this cause. In that affidavit there is the following paragraph: "That at the port of Halifax aforesaid, the deponent received on board the said steamship a certain quantity of cargo, to wit: one case marked S D H, one bale and two cases marked H H, one cask marked P H, two cases and one box marked J R H, all shipped by a certain firm from there, trading and carrying on business under the mercantile style or firm of B. Wier & Co., to be carried in the said ship from the port of Halifax, aforesaid, to this port of Nassau, touching at the island of Bermuda, that being the voyage upon which the said ship was about to proceed; and this deponent then signed bills of lading for the said cargo, deliverable at this port of Nassau to the order of the said shippers." B. Wier & Co., I would remark, appear in this cause as the claimants and owners of the eight packages. Admitting B. Wier & Co. to be the shippers of those packages, then arises the question, how are they connected with Mr. Lafone? There is no evidence upon this point. How, then, with Captain Collier? In no way, unless Captain Collier's admission be accepted that they were the shippers of the packages on board of the vessel of which he was the master. How with the Confederate States government? There is no direct evidence upon this point. What we have is this, that among the packages shipped at Halifax by B. Wier & Co., were some containing the property of Lieutenant Hamilton, of the Confederate States navy, and as that gentleman was proven to have been at Halifax, it is fair to infer that B. Wier & Co. shipped those particular packages by direction of Mr. Hamilton in the same way that Mr. Phinizy shipped at Bermuda Mr. Hamilton's two cases of stationery, under instructions of that officer. Then, had B. Wier & Co. any knowledge of the contents of Mr. Hamilton's packages in particular? As to this, there is no sufficient evidence; neither is there any evidence to connect Mr. Lafone with the shipment of the eight packages, or to fix him with a knowledge of what they contained. How as to Captain Collier? Has there been traced to him any knowledge of the contents of the eight packages? There has not. Then the case stands thus: that when the gun, shot, shell, and other articles already enumerated, were put on board the Mary, at Bermuda, there were then in her eight unopened packages brought from Halifax; and in some of those packages were confederate ensigns, a confederate pennant, navy canvas, and the private effects of an officer of the Confederate States navy, among which were found a book entitled "Regulations for the Navy of the Confederate States, 1862," a commission in blank for an officer of that navy, pay and muster rolls, and other blank forms particularly described by Mr. Dumaresq. Now, was the mere existence of all or any of the articles in question, in unopened packages on board the Mary, sufficient to fix either Mr. Lafone or Captain Collier, or any of the persons referred to in the information, with the guilty intent prohibited by the statute;

especially, too, in the absence of any evidence given to indicate a knowledge on their part of the nature or character of any of the articles? I apprehend not; and I shall proceed to state why. It was the Crown's duty to give either direct evidence of knowledge, or evidence from which I may reasonably infer knowledge. The charge in the case, though the vessel is merely proceeded against, involves one of misdemeanor; and the persons charged with its commission are entitled to demand from the Crown, if not strict, certainly reasonably satisfactory proof of their guilt. It is not for them to disprove it. And I should not be justified in finding as a fact the guilty intent from the discovery alone of the articles in question on board, in the way they were packed, especially in the absence of any circumstances to satisfy me of the connection between them and any one of the persons charged in the information. Moreover, what sufficient evidence has there been adduced to convince me of the connection between the Mary herself and the Confederate States government, or any of its agents? None. What between Mr. Lafone, Captain Collier, or any one of the persons referred to in the information and that same government, or its agents? None. With respect to the packages shipped by Mr. Lafone in the Powerful to Bermuda, Mr. Phinizy, upon being cross-examined on the point, says: "They do not belong to the Confederate States government, as I know of." I would remark that there was no other evidence with reference to this point. Mr. Phinizy, in his examination-in-chief, had stated, "Bills of lading were signed by the captain for the articles shipped on board"—meaning the Mary, at Bermuda. "The ship was to be consigned in Charleston to John Frazer & Co., as I was instructed by Mr. Lafone." In the witness's
[302] cross-examination he added, "I *forwarded the bills of lading to Mr. Lafite; I mean the bills of lading referred to by me; I don't remember how many there were. Mr. Lafite is not now in this place; I was not here when he left; but I have been told he left in the last Corsica. I arrived here from Bermuda in January. I found the Mary here under arrest; Mr. Lafite was here then. The last time I left here must have been in the early part of March; I left Mr. Lafite here then. I last arrived in the steamer Louisa Anne Fanny, about ten days ago, and found that Mr. Lafite had left during my absence." Again, in another place, "John Frazer & Co., of Charleston, are connected with Frazer & Trenholm, of Liverpool. I don't know if they are the same firms, only by hearsay." There was no evidence before me to connect either Mr. Lafite or John Frazer & Co. with the Confederate States government.

Under all the circumstances of the case, as developed in the evidence, I am unable to conclude that the Crown has sufficiently proven the existence of the guilty intent set forth in the information, and prohibited by the statute.

I mean this observation to apply to the whole of the counts, as well those charging the several offenses to have been committed in the Bermuda Islands, as to those alleging them to have taken place in Nassau.

It is, however, my intention to advert briefly to what occurred here before I finish.

It was on the 24th of November last that the Mary left the port of Saint George, Bermuda, "navigated with thirty-four men," and on the 29th following she arrived here and came to an anchor. Upon entering the port she was boarded by the proper boarding-officer, and afterward a tide-waiter was put on board. On the same day Captain Collier made the report required by law, at the receiver-general's office, of the cargo of the Mary; and, in that report he stated that it was "not to be landed." On the following day a number of laborers were employed on board in removing the coal out of the bags which were in the main-hatch, and in filling the coal-bunkers. They continued thus employed on Thursday, Friday, and Saturday of that week. The bags and so much of the coal as remained were brought on shore. On Thursday, the 1st of December, the crew of the Mary was discharged, except the chief mate and chief engineer, who were retained. Four carpenters were employed on board the Mary in making "a safe aft on the port side, and in getting out some stuff on the starboard side forward for a little closet." During the forenoon of Monday, the 5th of December, the case on the deck of the Mary, which contained the gun, was removed into the main-hold, out of which, by that time, the whole of the coal had been taken. The reason given by the mate Outerbridge for the case having been put on the deck of the Mary at Bermuda, instead of below, was that the fore-hold was filled, and could not contain it. On the evening of the 5th, the receiver-general, in consequence of a communication he had received from the then administrator of the government of this colony, visited the Mary, and partially opened and examined the case, which contained a small gun mounted with appurtenances complete. Mr. Dumaresq says: "I then left the vessel in charge of a revenue officer, informing the Captain (Collier) that the vessel was under detention." On the 6th Mr. Dumaresq again went on board the Mary, for the purpose of re-examining the gun and superintending the search of the vessel; and that gentleman adds: "On the same day, I think, an application was made personally by Mr. Harris, of the firm of Henry Adderley & Co., that the goods might be landed and deposited in a bonded warehouse, stating, however, that the entries could not be completed, inasmuch as the goods were unaccompanied by bills of lading. The application for the discharge of the cargo was made in writing on that day, and the entries

were not completed until the 14th. The entries numbered respectively 404, 405, 406, and 407, now handed in, are the entries which were put in on the 14th, after the examination of the goods in the bonded warehouse, on the 13th, in the presence of Mr. Harris, of the firm of Henry Adderley & Co., Mr. Culbert, the warehouse-keeper, Mr. Bethel, a locker, and Mr. Lamotte, acting locker, as well as myself. The entries, though dated the 6th day of December, were not put in until the 14th of that month." The nature of the goods, or, in other words, the contents of all the packages, as ascertained from Mr. Dumaresq's evidence, I have already detailed; and therefore it is unnecessary for me again to mention them. That officer thus proceeds: "On my making a report to the governor of the result of my examination of the packages and bundles in the bonded warehouse on the 13th of December, I received an order from his excellency to seize the steamship Mary for an alleged violation of the 'foreign-enlistment act,' which order I immediately carried out; the time being about half-past 1 in the afternoon. I also seized her tackle, apparel, and furniture, and everything which had been landed from her."

[303] * There was no act of arming or of attempting to arm the Mary at Nassau, or sufficiently satisfactory evidence of equipping, or attempting to equip her. One witness, Outerbridge, in his cross-examination, says: "We had carpenters employed here. They were refitting the berths, making a cupboard. No work of any consequence was done here by the carpenters. We had painters employed in painting the ship; they painted the berths."

With reference to a fact sworn to by Wilson, the foreman of laborers, and one of the Crown's witnesses, that, on the 6th of December, while employed in cleaning under a platform, called by another witness the lazarique deck, and while the customs officers were in charge of the Mary, he saw three guns lying there, about 3 feet long, a circumstance which he communicated to the United States consul upon being sent for, it is sufficient to say that he is contradicted flatly on the point by two of the respondents' witnesses; and that when the place he indicated was afterward searched by him, in company of some officers of the revenue, no guns were discovered. But, even assuming Wilson to have spoken the truth, there was no evidence whatever to throw any light as to when, where, how, or by whom the guns were placed.

The receiver-general mentioned that among other articles seen by him on board the Mary were two small carronades, the wheels and carriages being separate; that they were not fighting-guns. I take them to be signal-guns, and no stress whatever was laid by the Crown upon the existence of those small carronades on board.

The discharge of the Mary's crew, on the second day after her arrival in Nassau, was a circumstance which the attorney-general regarded as tending to refute the idea advanced by the respondents' proctor, that the Mary was on a regular commercial voyage to Charleston. To this it was replied that the Mary was destined to run the blockade, and, as her crew were only shipped for Nassau, it would be necessary to ship another. Owing, however, to the view I have taken of the case, I am not called upon to determine this matter further than by stating that it was a circumstance naturally awakening suspicion.

As in a former part of my judgment I remarked that it would not be necessary for me to decide whether I concurred or not in certain legal propositions enunciated on the part of the Crown, and dissented from by the respondents' proctor, until I should find, as a fact, the existence of the guilty intent charged; and, as I have expressed the conclusion that no reasonably sufficient legal evidence of that intent has been adduced, it has become unnecessary for me to pronounce any decision upon those propositions.

I now decree restitution of the said ship and the articles aforesaid, as prayed for by the respondents' proctor.

In doing so, however, it is not my intention to award to the respondents their costs, as also prayed for; inasmuch as I consider that the whole of the circumstances of this very important case, coupled as it has necessarily been with the Mary's former character and history, exacted no ordinary watchfulness on the Crown's part to prevent any successful breach of the foreign-enlistment act. I would ask, Can it be a matter of surprise, or can it be reasonably regarded as unfair, that every act connected with the Mary, from the time of her arrival in this port, up to the period of her seizure, should be closely looked to and rigidly scrutinized? And can it be justly objected to, when the various grounds of grave suspicion of her true character and real destination began to widen and strengthen, when slight links in the chain of evidence began to unfold themselves, and when evidence itself commenced to assume the character of proof, that watchfulness should culminate into seizure, and that the Mary should again be made to pass through the ordeal of a court of justice to free her from the very strong suspicions surrounding her?

No. 27.

The law-officers of the Crown to Earl Russell.

LINCOLN'S INN, *July* 31, 1865. (Received August 1.)

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 10th instant, stating that, with reference to our report of the 18th of March, he was directed by your lordship to transmit to us, together with the previous papers, a further letter from the colonial office, and its inclosures, respecting the case of the Mary, or Alexandra, and to request that we would take the same into consideration, and to furnish your lordship with our opinion thereupon.

[304] *We are also honored with Mr. Hammond's further letter of the 12th instant, inclosing further papers relative to the matter.

In obedience to your lordship's commands, we have taken these papers into consideration, and have the honor to report—

That we are of opinion that the attorney-general may have exercised a sound discretion (having regard to all the circumstances) in declining to appeal from the sentence of the judge in this case; but we desire not to be understood as expressing our agreement either with the general reasoning of the judgment, or with the construction placed by it on the word "intent" in the foreign-enlistment act.

We do not clearly collect from the papers whether the judge has or has not certified that there was in this case reasonable cause for seizure; but we assume, from his refusing costs to the claimants, that he would be prepared so to certify; and we think it desirable that he should do so, in order to protect the Crown in the event of any action being brought for damages on account of the seizure.

We have, &c.,

(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

No. 28.

Certificate.

In the vice-admiralty court of the Bahamas.

Our Sovereign Lady the Queen *vs.* The British steamship Mary, her tackle, &c., guns, &c., seized by the Hon. John d'Auvergne Dumaresq, receiver-general and treasurer of the Bahama Islands.—Forfeiture.

I certify that there was a probable cause for seizure in the within case.

(Signed) W. H. DOYLE.

In the vice-admiralty court of the Bahamas.

I, Joshua Anderson Brook, registrar of the vice-admiralty court of the Bahamas, do hereby certify the foregoing to be a true copy of the judge's certificate, as by him indorsed on the information filed in this cause.

Given at the city of Nassau, in the island of New Providence, under the seal of the said court, this 2d day of June, in the year of our Lord 1865, and in the twenty-eighth year of Her Majesty's reign.

(Signed) J. A. BROOK, *Registrar.*

[305] *IRON-CLAD VESSELS BUILT AT MESSRS. LAIRD'S YARD AT BIRKENHEAD.

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177	....do	Oct. 31, 1863	Letter from home office; no disturbance apprehended at Birkenhead.	429	496
178	....do	Oct. 31, 1863	Renewed protest from Messrs. Laird against the removal of the vessels into the Mersey. Suggest communication to admiralty.	430	496
179	Foreign office to treasury	Oct. 31, 1863	Answer to No. 178. Messrs. Laird should be told that treasury have nothing to add to telegram of 29th; rely upon Captain Inglefield.	431	497
180	Messrs. Laird to foreign office	Oct. 31, 1863	Renewed protest. Same as in No. 178.	431	498
181	Foreign office to Messrs. Laird	Nov. 2, 1863	Answer to No. 180. Matter referred to treasury.	431	498
182	Treasury to foreign office	Nov. 2, 1863	Correspondence relative to transfer of vessels to the charge of Captain Inglefield.	431	498
183	Admiralty to foreign office	Nov. 2, 1863	El Tousson removed into the Mersey; arrangements respecting El Mounassir. Propose to approve proceedings.	433	500
184	....do	Nov. 2, 1863	Further report as to manner in which possession was taken of the vessels by Captain Inglefield.	434	501
185	Foreign office to admiralty	Nov. 3, 1863	Concur in approval of Captain Inglefield.	435	502
186	Foreign office to treasury	Nov. 3, 1863	Answer to No. 182. Concur in steps taken for transfer of charge of vessels.	435	502
187	Treasury to foreign office	Nov. 3, 1863	Law-officers' opinion as to answer to Messrs. Laird. Notices sent to Messrs. Laird and M. Bravay.	436	503
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222	Messrs. Gregory & Co. to treasury solicitor.	May 20, 1864	That legal proceedings be stayed	460	529
223	Treasury solicitor to Messrs. Rowcliffe & Cotterill.	May 26, 1864	Agree to apportionment of purchase-money.	460	529

[315] *IRON-CLAD VESSELS BUILT AT MESSRS. LAIRD'S YARD, BIRKENHEAD.

No. 1.

Mr. Colquhoun to Earl Russell.

[Extract.]

ALEXANDRIA, *February* 26, 1863. (Received March 9.)

In addition to the question of the mines, the Frenchman, M. Bravay, brings forward claims which I am given to understand amount to about 6,000,000 francs. He claims to execute a verbal order of the late viceroy for two steel-clad frigates.

Iron-clads at Birkenhead. Correspondence.

Now I know that Said Pasha, after his visit to our dock-yards and to Cherbourg, and after conversing with the practical men of both countries, decided against the principle of such ships, except in very rare cases; that in England, where he was brought in contact with the best builders, he confined his orders to a different class of ships; it is not, therefore, likely he should give an order to one in the trade.

No. 2.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
July 11, 1863. (ReceivedJuly 11—5.45 p. m.)

MY LORD: It is with unaffected regret that I perform the duty incumbent on me, as the representative of the Government of the United States, of laying before you copies of a letter from the consul of the United States at Liverpool, and of four depositions, all intended to show a determined perseverance in the same acts of hostility at the port of Liverpool, which have formed the subject of my remonstrances almost from the day that I have had the honor first to occupy this post.

In many preceding communications I have endeavored to set forth the facts which appear to me to prove, beyond the possibility of a doubt, the establishment on the part of the insurgents in the United States of a systematic plan of warfare upon the people of the United States, carried on from the port of Liverpool, as well as in less degree from other ports of this kingdom. In this policy, the persons who have been sent out, and have acted as agents, have received the aid and effective cooperation of numbers of Her Majesty's subjects. The results of this conduct have been felt in the dispatch of numbers of steam-vessels laden with arms and munitions of war of every description, together with other supplies well adapted to procrastinate the struggle, with the purpose of breaking a blockade legitimately established, and fully recog-

nized by Her Majesty in the proclamation issued by her forbidding all such acts. It is needless to point out to your lordship how exclusively this business has been carried on by British subjects in British vessels, and how much the burden of the war has been increased by the necessity of maintaining a corresponding naval force on the ocean in order to suppress it. Nor yet will I enlarge upon the use to which the British islands of Bermuda and New Providence have been put by British subjects, as convenient points for the storing all these supplies, to the end that they may be more easily dispatched to their illegal destination.

But not satisfied with the aid thus obtained, the next step of the agents alluded to has been to enlist the aid and co-operation of
[316] British subjects in constructing for their *use steam-vessels expressly adapted to the object of carrying on war against the commerce of the people of the United States. The extent to which this has been actually procured has been made visible to your lordship in the various remonstrances heretofore presented by myself to your attention, unhappily too little heeded to secure prevention, and still more by the fact that for all the vessels now on the ocean engaged in the work of depredation on the commerce of the United States, British subjects must be held responsible in regard to their construction, equipment, manning, and outfit.

Furthermore, it appears that the aforesaid agents, under express instructions from the so-called authorities of the insurgents, who soon fell short in the pecuniary means to conduct their extensive warlike operations, have solicted the assistance of Her Majesty's subjects in this kingdom in advancing to them the funds to be appropriated to their objects. The purpose of this application to carry on the war with the people of the United States with the means thus raised was distinctly declared. To that end a loan of £3,000,000 sterling was proposed. That negotiation was entered into, and the means have actually been obtained in a great measure from the contributions of Her Majesty's subjects.

Thus it is manifest that all of those things denominated the sinews of war, to wit, men and money, ships, arms, gunpowder, and supplies, have been continuously furnished by Her Majesty's subjects almost from the beginning of the contest. A war has thus been practically conducted by a portion of her people against a Government with which Her Majesty is under the most solemn of all national engagements to preserve a lasting and durable peace.

The Government of the United States has in the mean time tried not to be wanting in performing the obligations incumbent upon it as a friend of Great Britain. In every particular in which it has been called upon in a suitable manner, it has labored promptly to meet and satisfy every just cause of complaint. So far as possible, consistently with the difficulties in which it has been placed, it has assiduously striven to cultivate the most kindly relations. It has been, therefore, with the greatest regret that it has been compelled to feel itself the innocent object of a degree of active malevolence from a portion of Her Majesty's subjects which has largely contributed to aggravate the severity of its trials. The fact that the aid extended to this rebellion has had its source almost exclusively from Her Majesty's subjects is made too notorious by the events of the struggle to need to be further enlarged upon.

In making this representation I do not intend to be understood as implying the smallest disposition on the part of Her Majesty's government in any way to sanction, or even to tolerate, the proceedings complained of. On the contrary, I cheerfully record my conviction that

they condemn them as practically infringements of international obligations, which it is their desire to prevent with all the means under their control. Fruitless as have been the greater part of the remonstrances which I have had the honor to make, I am well aware that the causes assigned for it do not relate to the want of will so much as to the absence of power in the existing laws to reach a remedy. But, admitting this to be the case, if an injury be inflicted upon an innocent friendly nation, it surely cannot be a satisfactory reply to its complaints to say that the government having the will, is not also clothed with the necessary powers to make reparation for the past and effect prevention for the future.

Having thus acquitted myself of the painful duty of recapitulating the points I am instructed by my Government to present, I now have the honor to solicit your attention to the evidence of the last and gravest act of intentional hostility yet committed. It is the construction and equipment of a steam vessel of war, of the most formidable kind now known, in the port of Liverpool. All the appliances of British skill to the arts of destruction appear to have been resorted to for the purpose of doing injury to the people of the United States. The very construction of such a vessel in a country itself in a state of profound peace, without any explanation of the objects to which it is to be applied, is calculated to excite uneasiness on the part of those involved in a contest where only it could be expected to be made of use. But when it further appears that it is constructed by parties who have been already proved to have furnished one vessel of war to the insurgents in America, and who are now shown to be acting in co-operation with their well-known agents on the spot in the preparation of that now in question, it is not unnatural that such proceedings should be regarded by the Government and people of the United States with the greatest alarm, as virtually tantamount to a participation in the war by the people of Great Britain to a degree which, if not seasonably prevented, cannot fail to endanger the peace and welfare of both countries. I trust
[317] I need not assure your lordship how deeply *concerned is the Government which I have the honor to represent in the view of any such possibility, and how earnestly it hopes that Her Majesty's government, having the will, may find itself likewise vested with the needful powers to guard against any such occurrence.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 2.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, July 8, 1863.

SIR: I have the honor to inclose you a copy of an application by me made yesterday to the collector of customs at Liverpool, to stop the iron-clad ram building for the insurgents in the United States by the Messrs. Laird at Birkenhead, and launched from their yard on Saturday last. Also copies of William H. Russell's, Joseph Ellis's, Clarence R. Yonge's, G. T. Chapman's, and my own affidavits, upon which the application was based. The affidavits were made before, and the originals left with, the said collector.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

[Inclosure 2 in No. 2.]

Mr. Dudley to Mr. Edwards.

I, the undersigned, Thomas Haines Dudley, consul of the United States of America for the port of Liverpool and its dependencies, do hereby apply to you, on behalf of the Government of the United States of America, to seize and detain an iron-clad vessel of war launched from the yard of Messrs. Laird & Co., at Birkenhead, on the 4th day of July instant, and now lying at Birkenhead aforesaid, with her tackle, apparel, and furniture, with all the materials, arms, ammunition, and stores which may belong to or be on board of the said vessel, pursuant to the power given to you in that behalf by the seventh section of the act of Parliament, 59 Geo. III, c. 69, on the ground that such vessel is being equipped, furnished, fitted out, and armed, in order that such vessel shall be employed in the service of the persons assuming to exercise the power of government, and called the Confederate States of America, and with the intent to cruise and commit hostilities against the Government and citizens of the United States of America, with which Government Her Majesty the Queen is not now at war.

(Signed) T. H. DUDLEY.

JULY 7, 1863.

[Inclosure 3 in No. 2.]

Depositions.

We, William Hayden Russell, of Brooklyn, in the State of New York, in the United States of America, master mariner, now at Liverpool, in the county of Lancaster, in England, and Joseph Ellis, of No. 161 Athol street, in Liverpool aforesaid, master shipwright, make oath and say as follows:

1. I, the said William Hayden Russell, for myself, say: I have been in command of American merchant-vessels for the last thirty years, and for the last eighteen years I have commanded packet-ships trading between New York and Liverpool. I have frequently been on board British and American vessels of war of all classes, and I am well acquainted with their mode of construction.

2. I, the said Joseph Ellis, for myself, say: I have been regularly brought up to the business of a shipwright, and I have assisted in the construction of iron-clad vessels of war.

3. And we, the said William Hayden Russell and Joseph Ellis, for ourselves, say as follows: On Saturday last, the 4th day of July instant, we were present in the [318] ship-building yard of Messrs. Laird & Co., at Birkenhead, when an iron-clad steam-vessel built by them was launched.

4. The vessel in question was one of two iron-clad steam-vessels built alongside of each other at the southern end of the yard, and which appeared to be in all material respects similar to each other.

5. Before the said vessel was launched we carefully examined her externally; we walked along the whole length of the vessel, within seven or eight yards of her, and saw the whole structure of the vessel from the keel upward.

6. The said vessel is, to the best of our judgment, about 230 feet long, with from 38 to 40 feet beam. She is covered with iron plates from the point of a ram, or piercer, projecting from her stem to within about 20 feet from her stern. We saw an iron plate which one of the foremen in the yard informed us was prepared for the other of the said iron-clad vessels, and similar to the plates upon the vessel which we saw launched. The thickness of such plate was about 4½ inches. The said vessel had a space at the stern covered over with an iron-plated house of great strength, and there was a larger space forward, apparently intended for a forecastle, which was also covered with a similar iron-house.

7. The ram, or piercer, which we have mentioned, is a prolongation of the stem of the vessel projecting about 7 feet from a perpendicular line drawn from the upper part of the stem. It is of immense strength, and is so placed that when the vessel is in seagoing trim, with her engines and stores on board, the upper part of it would be, as far as we can judge, 2 or 3 feet below the surface of the water.

8. On the quay near the said vessel, and also in Messrs. Laird & Co.'s yard, we saw two circular iron turrets in the course of construction, such as would be used for carrying turret-guns on board such a vessel. The diameter of each of these turrets, as well as we could judge, was about 20 feet. The frames of these turrets were of iron, of great strength, placed about 15 inches apart from each other, and they were evidently prepared to receive planking and iron-plating.

9. The said vessel was built in all respects as an iron-clad vessel of war, and is armed as above-mentioned with a projecting ram, or piercer, for the purpose of destroying and sinking other vessels. We have no hesitation in saying that the said vessel is an iron-

clad ram of the most formidable description, and cannot be intended for any purpose but that of war.

(Signed) W. H. RUSSELL.
JOSEPH ELLIS.

The same William Hayden Russell and Joseph Ellis were severally sworn at Liverpool, in the county of Lancaster, the 7th day of July, 1863, before me,

(Signed) S. PRICE EDWARDS,
Collector, Liverpool.

Clarence Randolph Yonge, of the State of Georgia, in the United States of America, late paymaster on board the steamer Alabama, formerly called the 290, built by William and John Laird & Co. at Birkenhead, makes oath and says: I know Captain James D. Bullock, of the State of Georgia, in the United States, now residing at Waterloo, near Liverpool, in England. He is a commander in the navy of the so-called Confederate States of America; his business in England is superintending the building of iron-clads and other war vessels for the Confederate States. In the autumn of 1861 Captain Bullock came from England to Savannah, Georgia, in the England steamer Fingal. At that time I was in the naval paymaster's office in Savannah, Georgia, under the confederate government. Previous to Captain Bullock leaving England, as I afterward learned, he had contracted for two steamers for the confederate government, one called the Oreto, now called the Florida, built by William C. Miller & Sons, of Liverpool; the other the 290, afterward called the Eureka, and now called the Alabama, built by the Messrs. Laird at Birkenhead. Captain Bullock was about to return to England to look after the completion of these steamers and to assume command of the Alabama, and wanted some one to accompany him. I was recommended by the paymaster at Savannah to Captain Bullock. I was then released by the paymaster from my engagement, and was subsequently appointed by Captain Bullock, under the written authority of S. R. Mallory, the secretary of the navy of the Confederate States, a paymaster in the confederate navy and assigned to the steamer Alabama. We sailed for England in the steamer

[319] *Anna Childs, commanded by Captain William Hamner, from Wilmington, North Carolina, about the 5th day of February, 1862. Captain James D. Bullock, Lieutenant John Law, Midshipmen Eugene Maffit and E. M. Anderson, and myself, came over in the Childs. Law, Maffit, and Anderson are now on the Alabama. We arrived at Liverpool about the 11th March, 1862. I continued as paymaster in the confederate navy from the time of my appointement in Savannah, Georgia, up to the time of my leaving the steamer Alabama at Port Royal, in January, 1863. I went out in the Alabama when she sailed from England on the 29th of July, 1862, as paymaster, and acted as such on said vessel up to the time of my leaving her as aforesaid. Previous to our leaving Wilmington, in February, I acted as clerk to Captain Bullock, and attended to his correspondence with the confederate government and others, and from this correspondence and other circumstances I know that he is a commander in the confederate navy, that he had contracted for building the two vessels now called the Florida and Alabama, for the confederate government aforesaid, and was and is their acknowledged agent for building and fitting out naval or war vessels for the so-called confederate government to cruise against and to make war upon the Government and people of the United States. I wrote letters for Captain Bullock (which he signed) to Mr. Mallory, the secretary of the confederate navy, and saw letters from the secretary to Captain Bullock. There was much correspondence about building the two abovenamed and other war vessels in England for the confederate government, and about the money to pay for the same and those thereafter to be built in England. From this correspondence, and my transaction afterward with the firm of Fraser, Trenholm & Co., of Liverpool, I learned that Lieutenant James H. North had been sent over to England by the confederate government to make contracts in England for building and fitting out iron-clad vessels for said confederate government for the purpose of committing acts of hostility against and making war upon the government and people of the United States. Captain Bullock was directed by Mr. Mallory, the secretary of the confederate navy, in the correspondence to which I have referred, to aid Lieutenant North, and assist him in getting up and making contracts for building and fitting out these iron-clad vessels in England.

When we came over to England it was understood by myself and the other officers who accompanied us that Captain Bullock was to have the command of the Alabama, which was then building by the Lairds at Birkenhead, and I was to go in her as paymaster. I came over for this express purpose. From the time of my coming to England, in March, 1862, until I sailed in the Alabama, on the 29th of July, 1862, my principal business was to pay the officers of the confederate navy who were over here in England and attached to the Alabama, sent here to join and sail in her when finished. I used to pay them monthly, about the 1st of the month, at the office of Fraser, Trenholm & Co., in Liverpool. I drew the money for that purpose from this firm. Captain

Bullock kept all his papers at Fraser, Trenholm & Co.'s, and transacted his business in one of the private offices of this firm. I was in the habit during my stay in Liverpool of visiting this office very frequently, almost every day, and saw, heard, and knew what was being done and going on. I also made visits to Lairds' yard in Birkenhead, where the Alabama was building. Saw Captain Bullock there at times in the yard with the Lairds. I also saw the Lairds at Fraser, Trenholm & Co.'s office with Captain Bullock. On one of the occasions of my visit to Captain Bullock, at Fraser, Trenholm & Co.'s office, in Liverpool, I made for him a copy of the original contract between himself and the firm of William and John Laird & Co., at Birkenhead, for building the Alabama. This copy I had with me while I was serving as paymaster on that ship, and it was left on that vessel by me. I also frequently made copies of other papers, &c., for Captain Bullock. Before we sailed in the Alabama, I saw the plans, drawings, and specifications made and furnished by the firm of William and John Laird & Co., for building the iron-clad rams for the so-called confederate government. I think it was in the month of June, 1862; it was in the office of Fraser, Trenholm & Co., in Liverpool. Captain Bullock had them. Mr. Freeman, the chief engineer on the Alabama, and several other officers were there with myself and Captain Bullock examining them. A set of plans and specifications for building these iron-clad rams had been previously sent over to Richmond for the approval of the confederate government. The Messrs. Laird had some doubts whether the British government would permit them to build and fit out the vessels with tower or turrets on them, and were going to ascertain through the Mr. Laird who was a member of Parliament whether they would be permitted to do so.

After we left Liverpool, Mr. Lowe told me the keel for one of these iron-clad rams had been laid by the Lairds at their yard before we sailed, which was afterward *corroborated by Mr. Freeman, the chief engineer of the Alabama, who stated to me that he had been over to the yard and seen it. [320]

Captain Bullock had made himself so useful and efficient in building war-vessels in England that the confederate government was not willing for him to take command of the Alabama, but required him to remain and superintend the building and fitting-out of the iron-clads to be built by the Lairds and others in England. I learned this from himself. He told me that he had been ordered by the navy department to remain, to look after and superintend the building of these very iron-clads. He is very anxious to have command of a vessel, and expected in the first place to have the Oreto, then to have the Alabama. He told me just before I left he would not let all of the iron-clads slip through his hands as the Oreto and Alabama had.

On the 5th day of April, 1863, I went to the ship-yard of William and John Laird & Co., at Birkenhead. In the southerly part of the yard, under the shed, side by side, saw two iron-clad ram steamers which they are building there. I believe them to be the same that I saw on the plans and drawings made by the Messrs. Laird, and in possession of Captain Bullock, at the office of Fraser, Trenholm & Co. hereinbefore mentioned. I had not the least doubt about the matter.

(Signed) CLARENCE R. YONGE.

Sworn before me at the custom-house in Liverpool this 6th day of April, 1863.

(Signed) S. PRICE EDWARDS.

I, George Temple Chapman, of New York, in the United States of America, but now at Liverpool, in the county of Lancaster, gentleman, make oath, and say as follows:

1. In the early part of the month of April last, I had occasion to call at Messrs. Fraser, Trenholm & Co.'s office in Liverpool, to see Captain Bullock, whom I had formerly known in the United States.

Captain Bullock was not in when I first called at the office, but I saw Mr. Prioleau, one of the partners in the firm of Fraser, Trenholm & Co., and had some conversation with him. In the course of such conversation, Mr. Prioleau told me that his firm were the financial agents for the Confederate States of America, and that I might speak with him in perfect safety on anything connected with the South, as the whole of his establishment were in the confederate interest. I noticed that there was a confederate flag displayed in the office. On this occasion I handed to Mr. Prioleau some letters which had been given to me by the wife of Clarence Randolph Yonge, who, Mr. Prioleau told me, had been Captain Bullock's secretary, and afterward purser of the Alabama.

2. On the day following that on which I had the conversation above mentioned with Mr. Prioleau, I called again at Messrs. Fraser, Trenholm & Co.'s office, and saw there Captain Bullock, who told me that he had seen the letters which I had left with Mr. Prioleau, but that they were of no importance, and that he never trusted Yonge with anything important.

Captain Bullock told me that he came to Liverpool to build and procure ships and vessels of war for the confederate service. He referred to the Alabama, and the Oreto

or Florida, as two of the ships he had fitted out, and said that he was fitting out more, but that he managed matters so that he could defy any one to prove that he was fitting them out for the use of the confederate government.

3. While I was with Captain Bullock, Lieutenant John Randolph Hamilton, son of Governor Hamilton, of South Carolina, (formerly a lieutenant in the United States Navy, and since of the confederate navy,) came in, and I recognized him. I first knew him at the Naval Academy at Annapolis, in the United States, where we were midshipmen together. I knew him afterwards as lieutenant in the United States service. He told me he had become a lieutenant in the confederate service, and that he came to Liverpool by direction of the Confederate States government, to assist Captain Bullock in the fitting out of vessels, and to advise Messrs. Fraser, Trenholm & Co., and to give him advice generally in the interests of the confederate government. The said John Randolph Hamilton told me that he and Bullock had a private office in Fraser, Trenholm & Co.'s house of business, and that the Alabama was built according to a model prepared by Captain Bullock, and that Lairds were not entitled to any credit for that ship. He spoke without hesitation about the Oreto,
[321] *which they had sent out, and both he and Captain Bullock spoke of themselves as the employés of the confederate government, and that they were paid as such.

4. In the early part of the month of April last, a Captain Morton, who is the overlooker for Messrs. Boult, English & Brandon, of Liverpool, merchants, took me with him to Messrs. Laird Co.'s ship-building yard at Birkenhead, in order that I might see two iron rams, or vessels of war, which he said were, without doubt, for the Southerners. I saw the two vessels in question, which were being built alongside each other at the south end of the yard. The hulls were complete, and the sides were covered with slabs of teak wood about 12 inches thick. In the early part of this present month one of the vessels, the more northwardly of the two, had a great number of her iron armor-plates fixed. The armor-plates appeared to me to be about four inches thick. Each vessel was about 250 feet long, as well as I could judge, and the deck of each vessel was prepared to receive two turrets. I saw the turrets being built in the yard near the rams above-mentioned. Each ram had a stem made of wrought iron about 8 inches thick, projecting about 5 feet under the water-line, and obviously intended for the purpose of penetrating and destroying other vessels.

The rams in question were of immense strength, and could by no possibility be intended for anything but vessels of war. The only other vessels building in the yard at that time were an iron-plated vessel of war for the British government, to be called the Agincourt, and two merchant-vessels, one a steamer and the other a sailing-ship.

5. I saw the above-mentioned John Randolph Hamilton some days after I had seen the rams above-mentioned. I met him at his request at the Angel Hotel, in Liverpool. On that occasion the said John Randolph Hamilton told me that the rams which were being built by Laird & Co. were for the confederates.

(Signed) GEORGE TEMPLE CHAPMAN.

Sworn before me at the custom-house this 29th day of June, 1863.

(Signed) G. S. GEORGE, *pro Collector.*

I, Thomas Haines Dudley, of No. 3 Wellesley Terrace, Prince's Park, Liverpool, in the county of Lancaster, esquire, do solemnly, sincerely, and truly affirm and declare that the taking of any oath is, according to my religious belief, unlawful, and I do also solemnly, sincerely, and truly affirm and declare as follows:

1. I am the consul of the United States of America for the port of Liverpool and its dependencies.

2. I say that there is now and for some time past has been a war carried on between the Government and people of the United States of America, and certain persons who have rebelled against such Government, and pretended to set up and assume to exercise the powers of government, styling themselves the Confederate States.

3. I further say that, to the best of my knowledge and information and belief, no leave or license has been had or obtained from or of Her Majesty the Queen under the sign-manual, or any order in council, or any proclamation of her said Majesty or otherwise, or at all authorizing any person within any part of the United Kingdom to equip, furnish, fit out, or arm ships or vessels with intent or in order that such ship, or vessel shall be employed in the service of the said so-called Confederate States, to cruise or commit hostilities against the Government and people of the said United States of America, and that Her Majesty is not now at war with the said United States.

4. I say there have been built in this port for the government of the said so-called Confederate States two vessels of war. One of them, namely, the Oreto, now called the Florida, was built by Messrs. W. C. Miller & Son, of Liverpool, and another, the

Alabama, by Messrs. Laird & Co.; and they have been employed by the so-called Confederate States against the Government and people of the United States of America in the war that is now going on, and armaments and war crews for both the said vessels went out in them, or were sent out from England to meet the ships abroad, and were then placed on board of them. On the 4th of the present month of July another vessel, built by the said Messrs. Laird & C., and intended for an iron-clad steam ram, and, as this deponent verily believes, built and intended for a vessel of war, was launched by them from their ship-building yard at Birkenhead, and such vessel is now at Birkenhead, in the United Kingdom of Great Britain and Ireland.

5. I say that I have read the affidavits of George Temple Chapman, sworn on [322] the *29th day of June last, of Clarence Randolph Yonge, sworn on the 6th day of April last, and William Hayden Russell and Joseph Ellis, sworn on the 7th day of July instant; and I say that from the facts there spoken to, and from the facts and circumstances aforesaid, I verily believe and say that the said vessel above mentioned is being equipped, armed, and fitted out with intent and in order that the said vessel shall be employed in the service of the said persons setting up to exercise the power of government, and called the Confederate States of America, and with intent to cruise and commit hostilities against the Government and citizens of the United States of America.

(Signed) THOMAS H. DUDLEY.

Affirmed before me at the custom-house, Liverpool, in the county of Lancaster, the 7th day of July, 1863.

(Signed) S. PRICE EDWARDS, *Collector.*

No. 3.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
July 13, 1863. (Received July 13.)

SIR: I am desired by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, copy of a letter from the customs of this day's date, and of its inclosures, respecting two iron-clad steamers alleged to be building for the use of the Confederate States, in Messrs. Laird's yard at Birkenhead.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 3.]

Mr. Dickins to Mr. Hamilton.

CUSTOM-HOUSE, *July* 10, 1863.

SIR: I am directed to transmit, for such directions as the lords commissioners of Her Majesty's treasury may see fit to give thereon, the annexed copy from a report of the collector of this revenue at Liverpool, with a copy of a letter from the United States consul at that port, supported by affidavits on the subject of two iron-clad steamers lately built by Messrs. Laird, of Birkenhead, which are suspected of being intended for the service of the Confederate States. I am also to transmit a copy of a report of the solicitor of customs on the papers.

I am, &c.,
(Signed) GEORGE DICKINS.

[Inclosure 2 in No. 3.]

Mr. Edwards to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, July* 8, 1863.

HONORABLE SIRS: Having received the accompanying letter from Mr. Dudley, the American consul, requesting that an iron-clad steamer lately built by Messrs. Laird,

of Birkenhead, may be detained upon the five affidavits tendered by him, and which affidavits, as well as Mr. Dudley's letter, are transmitted herewith for the board's information.

A description of the ships, supposed to be for the Confederate States, is given in the inclosed report of Mr. Morgan, the surveyor.

From the inquiries I have made from the builders, I have every reason for being satisfied that the two iron ships, the subject of the affidavits tendered by the consul, were not built for the confederates, but are for Frenchmen, who first contracted for them. What may become of them ultimately I cannot say.

One only has as yet been launched. She is now in the graving-dock, and cannot be finished, I am informed, in less time than three months.

[323] *The board will be pleased to give such instructions for future guidance as to it may seem proper.

Respectfully, &c.,

(Signed) S. PRICE EDWARDS.

P. S.—Since writing the aforegoing report, the French consul has called to say that the ship in Messrs. Laird's graving-dock is French property, and that he has aided the owner in regard to her fitments; and he is to provide a crew for her, and will prepare the necessary papers for her departure when ready for sea.

S. P. E.

[Inclosure 3 in No. 3.]

Mr. Morgan to Mr. Edwards.

LIVERPOOL, *July* 8, 1863.

SIR: I beg to report that there are two iron-mailed steam-rams, cupola principle, at the building-yard of Messrs. Laird, of Birkenhead, both of which are of the following dimensions: Length, 220 feet; breadth, 42 feet; depth, 18 feet; gross tonnage, 1,128 tons; register, about 750 tons. One of these vessels was launched on the 4th instant, and is now in the graving-dock fitting for sea, and will be shortly completed; the other on the stocks, and nearly ready for launching.

Very respectfully,

(Signed) E. MORGAN.

[Inclosure 4 in No. 3.]

Mr. Dudley to Mr. Edwards, July 7, 1863.

[See inclosure 2 in No. 2.]

[Inclosure 5 in No. 3.]

Depositions of Messrs. Russell, Yonge, Chapman, and Dudley.

[See inclosure 3 in No. 2.]

No. 4.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *July* 13, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 11th instant; and I have to state to you that I have lost no time in communicating with the proper department of Her Majesty's government relative to the steam-vessel of war which is stated to be in process of construction at Liverpool, in order that such steps may be taken in the matter as can be legally and properly adopted.

I am, &c.,

(Signed) RUSSELL.

No. 5.

Mr. Layard to Mr. Hamilton.[1]

FOREIGN OFFICE, *July* 13, 1863.

SIR: I am directed by Earl Russell to transmit to you the accompanying copies of a letter and its inclosures from Mr. Adams,[2] respecting a steam-ram which is stated to *be in process of construction at Liverpool, for the use of the government of the so-styled Confederate States; and I am to request that, in laying the same before the lords commissioners of Her Majesty's treasury, you will move their lordships to take such steps in the matter as can be legally and properly adopted.

[324]

I am, &c.,
(Signed) A. H. LAYARD.

No. 6.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
July 14, 1863. (Received July 15.)

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the consideration of Earl Russell, in connection with the papers yesterday forwarded to the foreign office, the inclosed letter, with accompanying documents, from the commissioners of customs, further relating to the two iron-plated vessels building at Messrs. Laird's yard at Birkenhead, on which a suspicion has arisen that they are intended for the warlike service of the Confederate States of America.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 6.]

Mr. Dickins to Mr. Hamilton.

CUSTOM-HOUSE, *July* 13, 1863.

SIR: With reference to my letter of the 10th instant, on the subject of two iron-plated vessels lately built by Messrs. Laird, of Birkenhead, which have been suspected to be intended for the service of the Confederate States of America, I am now directed to transmit, for the consideration of the lords commissioners of Her Majesty's treasury, copy of another deposition in regard to the vessels, which has been handed to the collector of the revenue at Liverpool; also copy of a further report of that officer, in which he expresses his belief that the vessels have not been built for the confederate government.

I am, &c.,
(Signed) GEO. DICKINS.

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[1] A similar letter was addressed to the home-office.

[2] No. 2.

[Inclosure 2 in No. 6.]

Mr. Edwards to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, July* 11, 1863.

HONORABLE SIRS: The inclosed affidavit having been handed to me and sworn to, I beg to forward the same for the information of the board, observing that it is in addition to those forwarded in my letter of the 8th instant.

Since writing that report I may say I believe that the iron-clad ships adverted to in these several affidavits, and in Messrs. Lairds' yard, are built for a banker in Paris, and that he pays for them on behalf of a foreign government, and not America.

Respectfully, &c.,

(Signed) S. PRICE EDWARDS.

[Inclosure 3 in No. 6.]

Deposition of John Brady.

I, John Brady, of No. 10, Livingstone street, Birkenhead, in the county of Chester make oath and say:

I have worked in the ship-building yard of Messrs. Laird & Co. at Birkenhead [325] *for several years. I am now in their service as a boiler-maker. I remember the keels of two iron-plated vessels of war being laid alongside each other at the southern end of the yard about the end of last year. One of the said vessels was launched on the 4th day of July instant. I have seen Captain Bullock in the yard very frequently whilst the iron-clad vessels above-mentioned have been building. He was very often with the foreman who attended to the building of the vessels in question, or with one of the Messrs. Laird. He paid particular attention to the vessels in question, and his business in the yard appeared to be to look after the building of the vessels above mentioned.

(Signed) JOHN BRADY.

Sworn at Liverpool, in the county of Lancaster, the 11th day of July, 1863, before me.

(Signed) S. PRICE EDWARDS,
Collector.

No. 7.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
July 17, 1863. (Received July 17.)

SIR: With reference to previous correspondence, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed letter from the commissioners of customs, dated 16th instant, with a further deposition relating to two steam-rams which are suspected to be building at Liverpool for the service of the Confederate States of America.

I am, &c.,

(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 7.]

Mr. Dickins to Mr. Hamilton.

CUSTOM-HOUSE, *July* 16, 1863.

SIR: With reference to my letters of the 10th and 13th instant, on the subject of two iron-clad vessels in course of construction at Liverpool, which have been suspected of being intended for the service of the Confederate States, I am now directed to transmit,

for the information of the lords commissioners of Her Majesty's treasury, copy of a report of the collector of this revenue at Liverpool, inclosing a letter from the United States consul at that port, and a further deposition (copies of which are also transmitted) on the subject of the vessels in question.

I am, &c.,
(Signed) GEO. DICKINS.

[Inclosure 2 in No. 7.]

Mr. Edwards to the commissioners of customs

CUSTOM-HOUSE, *Liverpool, July* 15, 1863.

HONORABLE SIRS: The inclosed affidavit having been handed to me by the American consul at this port, I beg to forward the same for the information of the board; observing that it is in addition to those already transmitted in my letters of the 8th and 11th instant.

(Signed) S. PRICE EDWARDS.

[Inclosure 3 in No. 7.]

Mr. Dudley to Mr. Edwards.

UNITED STATES CONSULATE,
Liverpool, July 15, 1863.

SIR: Referring to the application I made to you on the 7th instant to stop the iron-clad steam-ram building by the Messrs. Laird for the insurgents in the United States, and which was launched on the 4th instant, in addition to the affidavits I then
[326] *submitted to you, and that of Joseph Brady on the 11th instant, I now submit one other, that of Austin Joseph Hand, which shows this vessel and the other ram not yet launched, are being built under the superintendence of Captain James D. Bullock, the well-known agent of the so-called southern confederacy in this country for building war-vessels.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

[Inclosure 4 in No. 7.]

Deposition of Austin Joseph Hand.

I, Austin Joseph Hand, of 35 Crosby street, Liverpool, in the county of Lancaster, make oath and say: I am a calker, and work in the yard of Messrs. Laird at Birkenhead. I went to work in their yard just before the Alabama was launched, and have worked there ever since. I remember the time the keels of two iron-plated steam-rams were laid alongside of each other at the south end of their yard; they were laid after the Alabama was launched. They are both armed on the stem with a ram, and no doubt are intended for war purposes. One of them was launched on the 4th day of the present month of July. I saw the keels of these two vessels laid. I saw Captain Bullock at the Alabama before she was launched, and afterward at these two iron-clad rams.[1] I have seen him in the yard a number of times, sometimes with one of the Messrs. Laird, at other times with the foreman of the yard. He was there assisting and superintending the laying of the keels of these two iron-clad rams on the occasions I have spoken of. When I have seen Captain Bullock in the yard since the launching of the Alabama his business seemed to be in connection with these two iron-clad rams, and the superintending of their building.

(Signed) AUSTIN J. HAND.

Sworn and subscribed before me, the collector, at Liverpool, this 15th day of July, 1863.

(Signed) S. PRICE EDWARDS,
Collector.

No. 8.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, July 16, 1863. (Received July 17.)

MY LORD: I have the honor to submit to your consideration copies of two more affidavits, in addition to those already sent with my note of the 11th instant, relating to the war-vessel now believed to be fitting out against the United States at the port of Liverpool.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 8.]

Mr. Dudley to Mr. Edwards, July 15, 1863.

[See inclosure 3 in No. 7.]

[Inclosure 2 in No. 8.]

Deposition of John Brady.

[See inclosure 3 in No. 6.]

[Inclosure 3 in No. 8.]

Deposition of Austin Joseph Hand.

[See inclosure 4 in No. 7.]

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[327] *No. 9.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *July* 17, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, inclosing further depositions respecting the steam-vessel of war which is alleged to be fitting out against the United States at the port of Liverpool; and I have to state to you that I have lost no time in communicating on the subject with the proper department of Her Majesty's government.

I am, &c.,
(Signed) RUSSELL.

No. 10.

The law-officers of the Crown to Earl Russell.

TEMPLE, *July* 24, 1863. (Received July 24.)

MY LORD: We are honored with your lordship's commands signified in Mr. Layard's letter of the 13th instant, stating that he was directed by your lordship to transmit to us the accompanying letter and its inclosures from Mr. Adams, respecting a steam-vessel of war which is stated to be in process of construction at Liverpool for the use of the government of the so-styled Confederate States, and to request that we would take the same into our consideration, and furnish your lordship at our earliest convenience with our report thereupon. And Mr. Layard was to add that copies of these papers had been forwarded to the treasury and home office, in order that such steps may be taken in the matter as can legally and properly be adopted.

We are also honored with Mr. Layard's letters of the 14th, 15th, and 17th instant, transmitting to us, for consideration, further papers and correspondence relative to this matter, and also to another vessel of a similar character.

In obedience to the commands of your lordship, we have taken these papers into consideration, and have the honor to report:

That we are clearly of opinion that Her Majesty's government ought not to detain or in any way interfere with the steam-vessels in question.

Not only is there no reliable evidence that the vessels are destined to be employed in the service of the Confederate States, but there is the positive statement of the French consul that the vessels are French property. The alleged superintendence of Captain Bullock, as deposed to, stops far short of proof of an intent that the vessels shall be employed to cruise against the United States; while the opposite view derives countenance and probability from the statements which have come to the ears of Mr. Edwards, the inspector of customs at Liverpool, to the effect that the destination of these vessels is the service of some foreign non-belligerent government. (See his letter to the commissioners of customs of the 11th July.)

(Signed) WM. ATHERTON.
ROUNDELL PALMER.
ROBERT PHILLIMORE.

No. 11.

Mr. Bruce to Mr. Layard.

WHITEHALL, *July* 25, 1863. (Received July 27.)

SIR: I have laid before Secretary Sir George Grey your letter of the 13th instant, transmitting copies of a letter and its inclosures from the United States minister at this court, respecting a steam-ram which is stated to be in process of construction at Birkenhead for the use of the government of the so-styled Confederate States; and I am to inclose, for the information of Earl Russell, a copy of the opinion of the law-officers of the Crown, in answer to a question whether the circumstances set forth in the above papers appear to them sufficient to justify a prosecution under the foreign-enlistment act, 59 Geo. III, cap. 69, against the builders of that vessel.

I am, &c.,
(Signed) H. A. BRUCE.

[328] *[Inclosure in No. 11.]

Opinion.

We are of opinion that Mr. Waddington's question must be answered in the negative, there being no legal evidence whatever in the papers referred to, of the intent or purpose necessary to make the building or fitting out of such vessels illegal under the act.

(Signed) WM. ATHERTON.
ROUNDELL PALMER.

TEMPLE, *July* 24, 1863.

No. 12.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, July 25, 1863. (Received July 27.)

MY LORD: Having received information of the existence of a report that the iron-clad vessel at Liverpool had been claimed by the French consul at that port, and having since perceived that some credit has been given to the story by the first minister of the Crown, immediate measures were taken to ascertain whether there was any foundation for it in fact.

I now have the honor to transmit a copy of a letter received from Mr. Dudley, the consul of the United States at Liverpool, which appears clearly to show the precise nature of the pretense.

Renewing, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 12.]

Mr. Wilding to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, July 24, 1863.

SIR: On reading in the Times of this morning the statement reported to have been made by Lord Palmerston in reply to Mr. Cobden last night that he was informed, as regards one of the iron-clads referred to, that the French consul claimed it for the Emperor of the French, I addressed a note to the French consul, asking him whether the information referred to was true.

In reply, he sent his vice-consul to assure me that there is no truth whatever in the information; that he does not know of any iron-clads being built here for the Emperor of the French.

I addressed the inquiry to my colleague, not supposing there was any truth whatever in the information, but that I might have his authority for saying there was none.

The vice-consul, while with me, stated that about the 3d, or morning of the 4th of July, the consul received an invitation from a M. Bravay (a Frenchman, but unknown to him) to a luncheon at Messrs. Laird's yard on the 4th, on the occasion of the launch of an iron-clad vessel. The invitation came so late that the consul said he could not go. The vice-consul was then asked to go, and M. Bravay, introduced by one of the Messrs. Laird, waited upon him and pressed him to go.

He, M. Bravay, then, in the presence of Messrs. Laird, said he wished to get French papers for the iron-clad, and asked what formalities were necessary. He was instructed on the point, and then said the matter would be attended to by his brother, who had more to do with it than he had, and that he himself had to be in Madrid on the 9th. The vice-consul referred to a French Paris directory, and asked M. Bravay if he was one of the firm of M. Bravay & Co., therein described as merchants, and he said he was.

The consul nor vice-consul has neither of them seen M. Bravay nor Mr. Laird since, and did not go to the luncheon.

This indicates the source of Lord Palmerston's information, and also that some
[329] * such trick as getting foreign papers for the ram under cover of which she would sail out, has been, and perhaps is, intended.

Very respectfully, &c.,
(Signed) HY. WILDING.

No. 13.

Baron Gros to Earl Russell.

LONDRES *le* 27 *Juilliet* 1863. (Received July 28.)

M. le COMTE: Dans une des dernières séances de la chambre des communes, Lord Palmerston, en répondant aux interpellations de Mr. Cobden sur la construction de navires en fer dans le port de Liverpool, a laissé entendre qu'un de ces bâtiments avait été réclamé par le consul de France pour sa majesté l'empereur.

Les paroles du premier lord de la trésorerie ont provoqué, de la part de notre consul à Liverpool, M. Lenglet, quelques explications que je crois devoir mettre sous les yeux de votre excellence afin de dissiper à cet égard tout équivoque.

Dans les premiers jours de ce mois un Français du nom de Bravay, se disant associé de la maison A. Bravay et cie., de Paris, se rendit à Liverpool pour assister au lancement d'un navire qui avait été construit dans les chantiers de Mr. Laird, à Birkenhead. Le jour même où le bâtiment fut lancé, le constructeur et M. Bravay se présentèrent à la chancellerie pour demander quelles étaient les formalités à remplir pour donner au navire le pavillon français. Des explications furent communiquées à M. Bravay, qui s'engagea à revenir dans un délai de quatre à cinq semaines, disant qu'il serait alors en mesure de prouver la propriété française du navire.

Quelque temps après le départ de M. Bravay, Mr. Laird fut informé que le consulat des États-Unis à Liverpool cherchait à obtenir la saisie du bâtiment nouvellement construit. Il vint demander au consul de France de faire une démarche officieuse auprès de l'administration de la douane à l'effet de constater tout au moins la présence de M. Bravay à Liverpool et de témoigner des faits qui précèdent. M. Lenglet se borna à en donner connaissance au directeur-en-chef de l'administration des douanes, mais sans faire aucune espèce de réclamation, qu'il n'était ni en mesure ni en droit de formuler.

J'ai, &c.,
(Signé) B^ON. GROS.

No. 14.

Mr. Layard to Mr. Hamilton.

FOREIGN OFFICE, *July* 28, 1863.

SIR: With reference to the case of the iron-clad which was lately launched from Messrs. Laird's yard at Birkenhead, and also to the other vessel of a similar construction now on the stocks there, I am directed by Earl Russell to transmit to you, to be laid before the lords

commissioners of Her Majesty's treasury, a copy of a report from the law-officers of the Crown,[1] stating that they are clearly of opinion that Her Majesty's government ought not to detain or in any way interfere with the steam-vessel in question.

That opinion was, in a great measure, formed upon the report of Mr. S. Price Edwards, the collector of customs at Liverpool, who, in his letter to the commissioners of the 8th instant, stated as follows:

> From the inquiries I have made from the builders, I have every reason for being satisfied that the two iron-clad ships, the subject of the affidavits tendered by the consul, were not built for the confederates, but are for Frenchmen, who first contracted for them.

And in a postscript to the same letter Mr. Edwards added:

> Since writing the foregoing report, the French consul has called to say that the ship in Messrs. Laird's graving-dock is French property, and that he has aided the owner in regard to her fitments; and that he is to provide a crew for her, and will prepare the necessary papers for her departure, when ready for sea.

[330] *And again, in his letter to the commissioners of customs of the 11th instant, Mr. Edwards said:

> I believe that the iron-clad ships adverted to in these several affidavits, and in Messrs Laird's yard, are built for a banker in Paris, and that he pays for them on behalf of a foreign government, and not America.

On the other hand, the notes from Baron Gros and from Mr. Adams, of which I inclose copies,[2] would seem to qualify very materially the above-quoted statements of Mr. Edwards, and to render it incumbent upon Her Majesty's government to institute a searching inquiry with regard to the suspicious circumstances therein related.

I am therefore to request that you will move the lords of the treasury to give directions to the commissioners of customs accordingly, and to ask for explanations as to Mr. Edwards's statement that the vessels in question were the property of French subjects.

I am, &c.,
(Signed) A. H. LAYARD.

No. 15.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *July* 29, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 25th instant, and to acquaint you that the information therein contained relative to the iron-clad vessels in course of construction at Messrs. Laird's yard at Birkenhead, has been communicated to the proper department of Her Majesty's government.

I am, &c.,
(Signed) RUSSELL.

No. 16.

Mr. Arbuthnot to Mr. Hammond.

TREASURY CHAMBERS,
August 4, 1866. (Received August 4.)

SIR: With reference to Mr. Layard's letter of the 28th ultimo, I am

[1] No. 10. [2] Nos. 12 and 13.

desired by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copy of a report, dated this day, from the commissioners of customs, relating to the iron-clad vessels fitting at Liverpool, which are referred to in Mr. Layard's letter.

I have, &c.,
(Signed) G. ARBUTHNOT.

[Inclosure in No. 16.]

The commissioners of customs to the lords commissioners of the treasury.

CUSTOM-HOUSE, *August* 4, 1863.

Your lordships having referred to us the annexed letter from Mr. Layard, transmitting, by desire of Earl Russell, with reference to the case of the iron-clad vessel lately launched from Messrs. Laird's yard at Birkenhead, and also to another vessel of similar construction now on the stocks there, copy of a report from the law-officers of the Crown, stating that they are clearly of opinion that Her Majesty's government ought not to detain or in any way interfere with the vessels in question, and observing that this opinion was in a great measure formed upon the reports of Mr. S. Price Edwards, collector of customs at Liverpool, who, in two reports to this board, copies of which have been transmitted to your lordships, has stated his belief that the vessels in question were built for French subjects; and requesting, as those reports would appear to be very materially qualified by notes from Baron Gros and Mr. Adams, copies of which Mr. Layard incloses, that directions may be issued to this board to call for explanations of Mr. Edwards's statement that the vessel in question was the property of French subjects.

[331] *We report—

That on the receipt of your lordship's reference we forthwith called upon our collector at Liverpool for further explanation in reference to his statements respecting the vessels in question, more especially in regard to the statement made to him by the French consul, as mentioned in the postscript to his report dated the 8th ultimo; and, in reply, he states that nothing has transpired since he wrote his letter of the 8th ultimo to alter the opinion he then entertained and expressed, viz, that the vessels were not built for the confederates, but for Frenchmen, and that the substance of the conversation which passed between the French consul and himself is correctly stated. The letters which Baron Gros and Mr. Adams do not appear to him, he observes, to contradict the statements, for it will be remarked that the ambassador's letter only shows that the vessels were not built for the French government, a fact which he (Mr. Edwards) did not assert, having only stated that they were French property. The collector adds that he has recently learned from the consul that he is perfectly satisfied that money has been paid for the vessel by Frenchmen, but that no further steps have been taken to put it under the French flag.

(Signed) THO. F. FREMANTLE.
R. W. GREY.

No. 17.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
August 12, 1863. (Received August 13.)

SIR: With reference to previous correspondence on the subject, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the consideration of Earl Russell, the inclosed letter dated 12th instant, from the commissioners of customs, relating to the two iron-clad steamers fitting at Liverpool, as has been stated, for the service of the Confederate States of North America.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 17.]

Mr. Dickins to Mr. Peel.

CUSTOM-HOUSE, *August* 12, 1863.

SIR: I am desired by the board of customs to transmit to you, for the consideration and directions of the lords commissioners of Her Majesty's treasury, the accompanying copy of a declaration made by Thomas Sweeney in regard to two iron-clad steam-vessels which it is alleged are now being built by Messrs. Laird & Co., at Birkenhead, for the so-called Confederate States of America.

I am, &c.,
(Signed) GEO. DICKINS.

[Inclosure 2 in No. 17.]

Mr. Stewart to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, August* 11, 1863.

HONORABLE SIRS: With reference to the collector's report of the 13th ultimo, I beg to transmit, for the information of the board, the inclosed affidavit of Thomas Sweeney, handed to me this day by the American consul at this port.

(Signed) W. G. STUART,
Assistant Collector.

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[332] *[Inclosure 3 in No. 17.]

Mr. Dudley to Mr. Edwards.

UNITED STATES CONSULATE,
Liverpool, August 11, 1863.

SIR: Referring to the application heretofore made by me to you to stop the iron-clad steam-ram now building by the Messrs. Laird at Birkenhead for the so-called southern confederacy, and which was launched on the 4th day of July last past, I now submit to you another affidavit, that of Thomas Sweeney, of Liverpool, which, with those heretofore submitted, I hope will induce you to take the necessary steps (if they have not already been taken) to prevent this vessel from sailing, destined as she is to make war upon and commit acts of hostility against the Government of the United States.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

[Inclosure 4 in No. 17.]

Deposition of Thomas Sweeney.

Thomas Sweeney, of No. 57 Crosby street, Liverpool, being duly sworn, doth depose and say: I am a deck-planer, and am now, and have been for about ten years last past, in the employ of Messrs. Lairds, ship-builders, at Birkenhead. There is now building in their yard two iron-clad steam war-vessels; they are sister ships, of same size, dimensions, and construction, built side by side in the southern part of their yard; each is armed on the stem with an iron piercer or ram, for the purpose of piercing and destroying vessels. They are known and numbered in the yard as Nos. 294 and 295 respectively; they are each being built apparently for turrets.

On the 4th day of July last past No. 294 was launched, and then placed in one of the dry-docks of said yard, where she is now being completed. Her boilers and machinery are in, and her three masts up; the two turrets for her guns are alongside, nearly in a complete condition, and ready to be placed on board.

I have talked with many of the men and workmen in the yard who are now, and have been from time to time, employed and working there on their vessels, and they have told me they were for the confederates in the United States, the same parties for whom the Alabama was built. On the 29th day of July last past I had a conversation with Mr. Moore, one of the head-workmen in the yard. I asked him what he thought of the Alabama. His reply was, she was all right enough; but said, wait for the 294 and 295 (alluding to the two rams above mentioned) to get out and alongside the

Alabama, and then you will soon see the southern ports opened, meaning the ports in the southern confederacy now blockaded.

On the 7th of August instant I had a conversation with Captain Henderson, the head-rigger in Messrs. Laird's yard. I asked him to make room and get my son and son-in-law a berth on No. 294; he said he would not advise me to let them go on this vessel, as Nos. 294 and 295 were both going out on purpose to fight against the Federals, and to break up the blockade, but went on further to say, "If either of them wants a berth on these vessels, I shall find them one, but they will not be told where they are going to." At the time the Alabama was being built in the yard, my present son-in-law was going to ship in her, and I had a conversation with Captain Henderson about it, and he told me then in substance what he told me on the 7th instant about the two rams, Nos. 294 and 295.

(Signed) THOMAS SWEENEY.

Sworn and subscribed to before me, at the customs in Liverpool, this 11th day of August, 1863.

(Signed) W. G. STUART,
Assistant Collector.

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[333] *No. 18.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, August 14, 1863. (Received August 14.)

MY LORD: I have the honor to submit to your consideration copies of letters from the consul of the United States at Liverpool, containing further information respecting movements of persons believed to be agents of the insurgents at that port. I regret to perceive that the preparation of the dangerous armed vessel of which I have had the honor heretofore to take notice in my notes to your lordship is not intermitted. It is difficult for me to give your lordship an adequate idea of the uneasiness and anxiety created in the different ports of the United States by the idea that instruments of injury of so formidable a character continue to threaten their safety, as issuing from the ports of Great Britain, a country with which the people of the United States are at peace.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No 18.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, August 7, 1863.

SIR: Colonel George H. Bier, a lieutenant in the confederate navy, with his wife; a man by the name of Joseph N. Barney, and two engineers; one by the name of W. H. Jackson, (the other I have not learned,) arrived here on Sunday last in the steamer Asia from Boston *via* Halifax. Bier, Barney, Jackson, and the other engineer came from Halifax. Mrs. Bier passed through our lines at Fort Monroe under the assumed name of Mrs. Henry. I understand, through a passenger on board of the Asia, that these persons came here to go out as officers in the iron-clads now building by the Messrs. Laird at Birkenhead.

Colonel Bier stated in the steamer that he had been in the confederate army, and Jackson, the engineer, that he had been as an engineer on the steamer Florida. Upon examining the register of the confederate navy, I find that Bier is a lieutenant in their navy, and is mentioned as being with the army, and Jackson is an engineer in the steamer Florida; thus confirming all that they told the passengers. I have no doubt about the truth of their statements, that they are here to join these iron-clads.

The one that is launched has her masts up, boilers and machinery in, and, I learned to-day, is shipping her turrets. She, no doubt, can be got ready for sea in a week's time. My information about the other is, that she is to be launched on the 15th instant—to-morrow week.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

[Inclosure 2 in No. 18.]

Mr. Dudley to Mr. Adams, August 11, 1863.

[See inclosure 2 in No. 17.]

[Inclosure 3 in No 18.]

Deposition of Thomas Sweeney.

[See inclosure 5 in No. 17.]

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[334] *No. 19.

Mr. Layard to Mr. Hamilton.

FOREIGN OFFICE, *August* 14, 1863.

SIR: With reference to your letter of the 12th instant, inclosing a copy of a deposition by Thomas Sweeney respecting the iron-clads in course of construction at Messrs. Laird's yard at Birkenhead, I am directed by Earl Russell to transmit to you a copy of a note from Mr. Adams,[1] inclosing, together with a copy of the same deposition, a copy of a letter from Mr. Dudley, the United States consul at Liverpool, reporting the arrival at that port of Colonel George H. Bier, a lieutenant in the confederate navy, with his wife; a man by name of Joseph N. Barney, and two engineers, with the intention, as asserted by Mr. Dudley, of going out as officers in the iron-clads.

I am to request that you will move the lords commissioners of Her Majesty's treasury to communicate this information to the commissioners of customs, and to direct the commissioners to adopt whatever measures can legally and properly be taken in the matter.

I am, &c.,
(Signed) A. H. LAYARD.

No. 20.

Mr. Layard to Mr. Bruce.

FOREIGN OFFICE, *August* 14, 1863.

SIR: With reference to your letter of the 25th ultimo, respecting the iron-clads in course of construction at Messrs. Laird's yard at Birkenhead, I am directed by Earl Russell to transmit to you a copy of a note

[1] No. 18.

from Mr. Adams,[1] inclosing copies of a deposition by Thomas Sweeney and of a letter from Mr. Dudley, the United States consul at Liverpool, reporting the arrival at that port of Colonel George H. Bier, a lieutenant in the confederate navy, with his wife; a man by name of Joseph N. Barney, and two engineers, with the intention, as asserted by Mr. Dudley, of going out as officers in the iron-clads.

I am to request that you will lay these papers before Secretary Sir G. Grey, and move him to direct the authorities at Liverpool to institute immediate inquiries with regard to these persons, and generally to adopt whatever steps can legally and properly be taken in the matter.

I am, &c.,
(Signed) A. H. LAYARD.

No. 21.

Mr. Layard to Mr. Adams.

FOREIGN OFFICE, *August* 14, 1863.

SIR: I have the honor, in Lord Russell's absence, to acknowledge the receipt of your letter of the 14th instant, inclosing copies of further papers relative to the iron-clads in course of construction at Messrs. Laird's yard at Birkenhead; and I have the honor to state to you that I have lost no time in communicating copies of these papers to the proper departments of Her Majesty's government.

I am, &c.,
(Signed) A. H. LAYARD.

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[335] *No. 22.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
August 19, 1863. (Received August 19.)

SIR: With reference to your letter of the 14th instant, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copies of a report and accompanying paper which their lordships have received from the commissioners of customs, dated 18th instant, relating to the iron-clad vessels fitting at Liverpool, as has been suspected, for the service of the Confederate States of North America.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 22.]

Mr. Dickins to Mr. Hamilton.

CUSTOM-HOUSE, *August* 18, 1863.

SIR: With reference to your letter dated the 15th instant, transmitting, by desire of the lords commissioners of Her Majesty's treasury, copies of a letter and accompany-

[1] No. 18.

ing documents, which have been received from the foreign office, relating to the iron-clad vessels fitting at Liverpool, as has been stated, for the warlike service of the Confederate States of America, and signifying their lordships' directions that the board would adopt whatever measures could legally and properly be taken in the matter, I am desired by the board to acquaint you, for their lordships' information, that the board have called upon the acting collector of this revenue at Liverpool to make inquiry and report forthwith to the board any information which he might be enabled to obtain respecting the parties named in the letter of Mr. Dudley, dated the 7th instant, and particularly as connecting them with the vessels building in Messrs. Laird's yard; and I am directed to transmit herewith copies of the reports of Mr. Stewart, acting collector, and Mr. Morgan, principal surveyor, dated the 17th instant, stating the result of their inquiries and the present condition of the vessels.

I am further desired to add that the board are advised by their solicitor that no measures can legally be taken against these vessels.

I am, &c.,

(Signed) GEO. DICKINS.

[Inclosure 2 in No. 22.]

Mr. Stewart to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, August* 17, 1863.

HONORABLE SIRS: On referring to the list of passengers per the Asia, there appears among them in the newspaper a person named G. H. Bier, but he is not described as an officer—the names of the other persons alluded to are not in the list—nor have I been able to ascertain that he is in any way connected with the vessels referred to, now building in Messrs. Laird's yard.

I beg to refer to the annexed report of Mr. Morgan, surveyor, who has this day inspected the vessels, in which he shows the progress made in building and fitting each out; nor has any further information been received with regard to the persons for whom they have been built, or tending to throw a doubt on the fact stated in the collector's report of the 1st instant, that they were French property.

Respectfully, &c.,

(Signed) W. G. STEWART,
Assistant Collector.

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[336] * [Inclosure 3 in No. 22.]

Mr. Morgan to Mr. Stewart.

LIVERPOOL, *August* 17, 1863.

SIR: Referring to the parties named in Mr. Dudley's letter of the 7th instant, I have to report that nothing more is known of them than that a person by the name of G. H. Bier appears in the list of passengers by the steamer Asia, on the 2d instant; the other names do not appear in that list.

I have had an interview to-day with Mr. John Laird, who obligingly showed me over both vessels which are referred to, and I found one nearly completed, and ready for a trial-trip at any time.

The other will not be ready for launching in less than a month.

I beg further to add that no further information has come to my knowledge in regard to the persons for whom those two formidable vessels are intended.

Very respectfully,

(Signed) E. MORGAN,
Surveyor.

P. S.—I may add that Mr. Dudley's statement as to one of the vessels having her masts up, boilers and machinery completed, is correct; but the turrets are not completed, being still in the course of construction.

E. M.

No. 23.

The law-officers of the Crown to Earl Russell.

TEMPLE, *August* 20, 1863. (Received August 22.)

MY LORD: We are honored with your lordship's commands signified in Mr. Layard's letter of the 5th instant, stating that, with reference to our report of the 24th ultimo, respecting the iron-clads in course of construction at Messrs. Laird's yard at Birkenhead, he was directed by your lordship to transmit to us, together with the previous papers, two notes from Baron Gros and Mr. Adams, and a correspondence which has passed between this department (the foreign office) and the treasury thereupon. And Mr. Layard was to request that we would take these further papers into consideration, and report to your lordship whether we see any reason to alter or modify the opinion recorded in our former report, that Her Majesty's government ought not to detain or in any way interfere with the steam-vessels in question.

We are also honored with Mr. Layard's letters of the 13th and 14th instant, inclosing to us a further report from the commissioners of customs respecting these vessels, and also a deposition of Thomas Sweeney, a copy of a letter from Mr. Dudley, the United States consul at Liverpool, reporting the arrival at that port of Colonel George H. Bier, a lieutenant in the confederate navy, with his wife, a man by name of Joseph N. Barney, and two engineers, with the intention, as asserted by Mr. Dudley, of going out as officers in the iron-clads. And Mr. Layard was to request that we would also take these papers into our immediate consideration, and advise your lordship as to the steps which Her Majesty's government can legally and properly adopt in the matter.

In obedience to your lordship's commands, we have taken these several papers into consideration, and have the honor to report—

That they do not induce us to alter or modify the substance of the opinion which we had the honor to express in our former report.

If, indeed, the question were, whether Mr. Price Edwards had satisfactorily explained the grounds on which, in his letter to the commissioners of customs, under date the 11th July last, (adverted to in our former report,) he stated his belief not only that these two vessels were "built for a banker at Paris," but that this banker was paying for them, "on behalf of a foreign government, and not America;" or, whether the account of the nature and extent of the communications of the French consul at Liverpool with M. Bravay, the "merchant" of Paris, who represented himself to be interested in these vessels, given in the letters of Baron Gros, dated 27th July, and of Mr. Wilding, dated 24th July, is entirely consistent with the statements reported by Mr. Edwards—in the postscript to his letter of the 8th July—to have been made to him by the French consul, namely, "that he," the French consul,
[337] "had aided the owner *with respect to the fitments of one of the two ships, and was to provide a crew for her, and would prepare the necessary papers for her departure, when ready for sea," we should be unable to answer either of these questions in the affirmative. But the facts remain that M. Bravay, a French merchant, residing at Paris, is represented to be the person for whom these ships have been built, and that he has personally appeared and acted in that character at Liverpool; that there is no evidence against his claim, and nothing to affect M. Bravay with any illegal act or purpose; and that Mr. Price Edwards, the responsible agent of the board of customs at Liverpool, still reports it to be his own opinion and belief that these vessels "were

not built for the confederates, but for Frenchmen;" and still asserts the substantial correctness of his former report of the conversation between himself and the French consul.

Under these circumstances, and having regard to the entire insufficiency of the depositions forwarded to Her Majesty's government by Mr. Adams, to prove any infraction of the law, we cannot advise Her Majesty's government to interfere in any way with these vessels.

There is, in fact, no evidence capable of being presented to a court of justice of any intention on the part of any persons in this country, that either of these vessels should be employed in the belligerent service of the confederate government against the United States; even if it would have been proper (had such evidence been forthcoming) to act upon the assumption that the law recently laid down by the lord chief baron in the case of the Alexandra is incorrect, or that his lordship's ruling is inapplicable to vessels of this description; a point on which it may be better to reserve the expression of our opinion till such a case arises.

With respect to the further letters from Mr. Layard, dated 13th and 14th of August, they appear to us to contain nothing but hearsay evidence and common gossip in the ship-builder's yard and on board the steamer which conveyed Mr. and Mrs. Bier, upon which it would be impossible to advise Her Majesty's government to place any reliance.

(Signed) WM. ATHERTON.
ROUNDELL PALMER.
ROBERT PHILLIMORE.

No. 24.

Mr. Waddington to Mr. Layard.

WHITEHALL, *August* 21, 1863. (Received August 22.)

SIR: I have laid before Secretary Sir George Grey your letter of the 14th instant, inclosing a note from the American minister, with copies of a deposition by Thomas Sweeney, and of a letter from the United States consul at Liverpool on the subject of the iron-clads in course of construction at Birkenhead; and I am to transmit to you, for the information of Earl Russell, the opinion of the law-officers of the Crown on a further case which has been submitted to them.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure in No. 24.]

Opinion.

We do not find that any evidence whatever is offered in support of the belief expressed by Mr. Dudley, that the persons who are mentioned in his letter as having arrived in Liverpool by the steamer Asia are about to join the two iron-clad vessels in question, or that they are in any way connected with those vessels.

The deposition of Thomas Sweeney would be of more importance if the talk of the men and workmen in Messrs. Laird's yard could be admitted as evidence of the purpose for which those vessels are being built, or of their intended employment. But there is nothing to show that Mr. Moore, (described as one of the head workmen,) or Captain Henderson, (described as the head-rigger in the yard,) or any others of the "many" men and workmen who are not named, had any power or authority to bind their employers by any declarations or statements with respect to those ships; and none of these

[338] *declarations or statements appear to have been made in the course or for the purpose of the employment of the persons making them. Therefore we are clearly of opinion that all this is mere hearsay, inadmissible in evidence, and that it does not at all advance the case, except so far as the existence of such rumors and such a belief among the workmen in the yard (agreeing, as they do, with what was antecedently probable) may furnish grounds for suspicion and for continued watchfulness concerning these vessels, notwithstanding the different opinions still entertained by Mr. Pierce Edwards, the collector of customs at Liverpool.

There is, in fact, no additional evidence, and we therefore continue to think that the interference of the government, by seizure of these vessels or otherwise, would not be warranted by any of the depositions which have been brought to our notice.

For myself and the attorney-general, in his absence.

(Signed) ROUNDELL PALMER.

AUGUST 19, 1863.

No. 25.

Mr. Murray to Mr. Hamilton.

FOREIGN OFFICE, *August* 22, 1863.

SIR: I have laid before Earl Russell your letter of the 19th instant, respecting the iron-clads in course of construction at Birkenhead.

I am, in reply, to request that you will state to the lords commissioners of Her Majesty's treasury that Lord Russell is of opinion that every effort should be made to obtain trustworthy evidence with regard to the persons and the purpose for which these vessels are being built and equipped; and that as it appears, from an inquiry which Lord Russell has caused to be made at the home office, that the mayor of Liverpool has no jurisdiction at Birkenhead, his lordship would suggest that the lords of the treasury should send their solicitor to Birkenhead to inquire whether evidence cannot be procured against these vessels.

I am, &c.,

(Signed) JAMES MURRAY.

No. 26.

Earl Russell to Earl Cowley.

[Telegraphic.]

FOREIGN OFFICE, *August* 22, 1863—4.40 p. m.

Please inquire at the French admiralty whether the iron-clad steamers which are now building at Messrs. Laird's yard, at Birkenhead, are intended for the French government.

No. 27.

Earl Cowley to Earl Russell.

[Telegraphic.]

PARIS, *August* 24, 1863—1 p. m. (Received August 24.)

In reply to your lordship's telegram of the 22d, I beg to report that the iron-clad vessels are not for the French government.

No. 28.

Earl Russell to Earl Cowley.

[Telegraphic.]

FOREIGN OFFICE, *August* 24, 1863—4.10 p. m.

A Frenchman named Bravay claims the two iron-clads as vessels purchased for the Egyptian government. Ascertain whether there is such a house as Bravay at Paris, and obtain any information you can about this asserted purchase. M. Bravay has written to the French embassy here to claim the ships, but not through the ministry for foreign affairs.

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[339] *No. 29.

The Marquis de Cadore to Earl Russell.

LONDRES *le* 26 *août* 1863. (Received August 27.)

M. LE COMTE : En réponse au billet que votre excellence a bien voulu m'écrire en date du 22 de ce mois, j'ai l'honneur de l'informer que les représentants à Paris de la maison Bravay, d'Alexandrie, ayant adressé dernièrement au gouvernement de l'empereur une demande d'intervention au sujet des deux navires cuirassés, construits par MM. Laird à Birkenhead, il leur a été répondu que les bâtiments étant, d'après les déclarations de MM. Bravay, acquis par eux pour le compte du vicéroi d'Égypte, le gouvernement de sa majesté ne serait pas fondé à intervenir pour justifier leur destination, et qu'il n'appartient qu'au gouvernement égyptien de fournir à l'administration anglaise les preuves nécessaires pour autoriser l'armement et la sortie de ces navires.

Veuillez, &c.,

(Signé) CADORE.

No. 30.

Earl Cowley to Earl Russell.

[Telegraphic.]

CHANTILLY, *August* 27, 1863—5 p. m. (Received August 27.)

I can find no trace of the individual mentioned in your telegram of Monday last.

No. 31.

Mr. Colquhoun to Earl Russell.

[Telegraphic.]

ALEXANDRIA, *August* 27, 1863. (Received August 27.)

As regards the iron-clad vessels, I beg to refer to my letter of the 26th February. The Viceroy has arranged with M. Bravay. I will send the particulars by next post, if possible.

No. 32.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
August 28, 1863. (Received August 29.)

SIR: With reference to previous correspondence I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copies of a letter, and its inclosures, which their lordships have received from the commissioners of customs, relating to the iron-clad vessels fitting at Liverpool, as has been suspected, for the service of the Confederate States of America.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 32.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *August* 27, 1863.

SIR: With reference to your letter dated the 25th instant, I am desired by the board of customs to transmit to you, for the information of the lords commissioners of Her Majesty's treasury, the accompanying copies of reports which the board have received from their officers at Liverpool relative to the two iron-clad vessels in course of construction at Messrs. Laird's yard at Birkenhead.

I am, &c.,
(Signed) F. G. GARDNER.

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[340] *[Inclosure 2 in No. 32.]

Mr. Morgan to Mr. Edwards.

LIVERPOOL, *August* 26, 1863.

SIR: Referring to the iron-clad vessels in the course of construction at Messrs. Laird's yard, I beg to report that little or no advance toward completion has taken place since the date of my last report on board that vessel which is the most forward; her turrets are not shipped, and it will take several days to complete her in every particular.

Mr. Laird, jr., informed me that she is to be completed before she goes on her trial-trip.

I shall have the honor of reporting any movements in connection with those vessels for the information of the honorable board.

I have, &c.,
(Signed) E. MORGAN, *Surveyor.*

[Inclosure 3 in No. 32.]

Mr. Stewart to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool*, *August* 26, 1863.

HONORABLE SIRS: On the receipt of your order of the 25th instant, transmitting a copy of a treasury letter with reference to the two iron-clad vessels in course of construction at Messrs. Laird's yard at Birkenhead, Mr. Morgan crossed over to the yard, and I beg to refer to his foregoing letter describing the present condition of the vessels; but little progress has been made toward their completion since my report of the 17th. It has not been found possible to obtain any information as to the probable date fixed for the departure of the vessels, though the one nearest completion could be got ready for sea in a few days, if necessary.

Due watch shall be kept on the vessels, and any information obtained shall be immediately communicated to the board.

I have, &c.,
(Signed) W. G. STEWART,
Assistant Collector.

No. 33.

Mr. Arbuthnot to Mr. Hammond.

TREASURY CHAMBERS,
August 29, 1863. (Received August 31.)

SIR: With reference to previous correspondence, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copies of a letter and accompanying papers which their lordships have received from the commissioners of customs further relating to the iron-clad vessel fitting at Liverpool, as has been suspected, for the service of the Confederate States of North America.

I am, &c.,
(Signed) G. ARBUTHNOT.

[Inclosure 1 in No. 33.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *August* 29, 1863.

SIR: With reference to the order of the lords commissioners of her Majesty's treasury dated the 25th instant, and to my letter of the 27th following, on the subject of the iron-clad vessels now in course of construction in Messrs. Laird's yard at Birkenhead, I am desired to transmit to you, for the information of their lordships, and for such direction as they may see fit to give, the accompanying copy of a report from the assistant collector of this revenue at Liverpool, together with copy of a letter
[341] from *the United States consul inclosed therein, requesting that steps may be taken to prevent one of the vessels in question from sailing.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No 33.]

Mr. Stewart to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, August* 28, 1863.

HONORABLE SIRS: The American consul, Mr. Dudley, called on me this afternoon, and made verbally the annexed statement, which at my request he put in writing, and I now transmit the same for the information of the board.

I may observe he is correct in saying one of the turrets is shipped, but it still requires much to be done to it; the other turret is not yet so far finished as to be ready for shipment, and though it is possible the vessel might be got ready for sea in a few hours for a trial-trip, she would, as far as the turrets are concerned, be in a very unfinished state, and in any case she could not be got out of dock to-night, and Mr. Morgan, surveyor, who has inspected her this afternoon, says there is not the slightest appearance of her being got ready for sea.

Respectfully, &c.,
(Signed) W. G. STEWART,
Assistant Collector.

[Inclosure 3 in No. 33.]

Mr. Dudley to Mr. Edwards.

UNITED STATES CONSULATE,
Liverpool, August 28, 1863.

SIR: Referring to the application which I made to you to stop the iron-clad ram building by the Messrs. Laird for the confederates, and which was launched from their yard on the 4th July last, I now have to report to you that she took in one of her turrets yesterday, and I am informed that she can be made ready for sea in a very few hours. I am further informed that it is the intention of the Lairds to run her out to sea either to-night or to-morrow night. I hope you will take such steps as may be necessary to detain her from sailing.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

No. 34.

Mr. Colquhoun to Earl Russell.

[Telegraphic.]

ALEXANDRIA, *August* 31, 1863. (Received August 31.)

I understand that the viceroy has positively refused to accept the iron ships, and they remain on M. Bravay's hands.

No. 35.

Mr. Arbuthnot to Mr. Hammond.

TREASURY CHAMBERS,
August 31, 1863. (Received August 31.)

SIR: With reference to previous correspondence on the subject of the iron-clad vessels fitting at Liverpool, as has been suspected, for the service of the Confederate States of North America, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copies of two letters of this day's date from the commissioners of customs, with copies of the accompanying papers relating to this matter.

I am, &c.,
(Signed) G. ARBUTHNOT.

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[342] *[Inclosure 1 in No. 35.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *August* 31, 1863.

SIR: With reference to the previous correspondence which has taken place on the subject of the iron-clad vessels now in course of construction at Messrs. Laird's yard, Birkenhead, I am desired by the board to transmit to you, for the information of the lords commissioners of Her Majesty's treasury, the accompanying copies of further reports which the board have received from the assistant collector and Mr. Morgan, surveyor at Liverpool, dated the 29th instant, in regard to the vessels in question.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 35.]

Mr. Morgan to Mr. Edwards.

LIVERPOOL, *August* 29, 1863.

SIR: Referring to the two iron-plated vessels in course of construction at Messrs. Laird's yard, I have to report that the second has been launched this morning; two or three months are expected to elapse before she will be ready for sea.

The fact of the other vessel being so nearly ready for sea, while the turrets, one of which will not be ready for putting on board for several days, (perhaps a fortnight,) appears to have given rise to the suspicion that it is intended to take her out to sea, and transship the now unfinished turret from some vessel employed to convey it to her in a few days; but if it were generally known that each of those turrets weighs, in their incomplete state, between 40 and 50 tons, that suspicion would not be entertained.

In a familiar conversation which I had the pleasure of holding with the Messrs. Laird yesterday, I referred to the suspicion which I have named, and the many rumors that are afloat concerning those vessels, when I was informed by those gentlemen that their object in getting the first ready for sea was to test the soundness of the principle upon which she is built, by taking her out to sea on the approach of the channel fleet, and placing her in competition with others of her class composing that fleet.

I further beg to state that I ventured inquiringly to refer to the ownership of those two vessels, and although those gentlemen maintained their usual reserve upon that point, yet they placed me in a position to state my belief that, if the government are not in possession of the names of the owners, the Messrs. Laird would readily furnish such information upon an official application in writing being made to them for it.

They remarked that they were not in a position to volunteer such information, and, further, that the owners were about to make application to the government for permission to ship the armament on board the two iron-clad vessels referred to previous to their finally leaving this port.

I need not remark that the word of Messrs. Laird is above suspicion, and I have to thank them for the frankness with which they have invariably met all my official inquiries.

Respectfully submitted.

(Signed) E. MORGAN, *Surveyor.*

[Inclosure 3 in No. 35.]

Mr. Stewart to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, August* 29, 1863.

HONORABLE SIRS: With reference to your order of the 25th instant, I beg to transmit the aforegoing report of Mr. Morgan, of the launch this day of the second iron-clad vessel now being built in Messrs. Laird's yard, and further stating the substance of a conversation which he had with those gentlemen. I may add that the only foreign flag flying from the launch was that of France.

Respectfully, &c.,

(Signed) W. G. STEWART,
Assistant Collector.

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[343] [*Inclosure 4 in No. 35.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *August* 31, 1863.

SIR: With reference to the previous correspondence which has taken place on the subject of the two iron-clad vessels now in course of construction in Messrs. Laird's yard, Birkenhead, I am desired by the board to transmit to you, for the information of the lords commissioners of Her Majesty's treasury, and for such directions as their lordships may see fit to give, the accompanying copy of an affidavit made by C. Prentis in regard to the warlike character of the vessels in question, which has been forwarded to the board by the assistant collector at Liverpool, at the request of the American consul at that place; and to observe that the affidavit would appear to have no reference either to the ownership or destination of the vessels.

I am, &c.,

(Signed) F. G. GARDNER.

[Inclosure 5 in No. 35.]

Affidavit by Charles Prentis.

I, Charles Prentis, of New London, Connecticut, at present in Liverpool, formerly a master mariner, and now a merchant in business at New London aforesaid, make oath and say as follows:

1. I was formerly for ten years master of merchant-vessels and also of whaling-vessels, and I have seen and examined many vessels of war, both of wood and iron; I have also examined the construction of the several iron-clad vessels of war lately built by the United States Government.

2. On the 28th day of the present month of August I visited the yards of Messrs. Laird Brothers, at Birkenhead, and inspected two iron-clad vessels in course of construction there. One of the vessels is in the wet-dock, and has three masts, the fore and main mast being square rigged; she has a round overhanging stern, and is propelled by a screw; her bow is wedge-shaped; the cutwater is almost perpendicular nearly down to the water-line, where it curves outward so as to form a large projecting ram under water. She has also, about midships, a turret capable of carrying a very large gun. I verily believe that the said vessel is an iron-clad war-vessel of the most formidable character, armed with a ram or piercer constructed for the express purpose of sinking and destroying other vessels.

3. The said vessel lastly before-mentioned appeared to be in such a state of preparation that, in my opinion, she could be sent out to sea at a few hours' notice.

4. The other of the said two iron-clad vessels was on the ways; she is finished from the keel to the upper deck, and her bulwarks are partly erected. She resembled the other of the said vessels which was in the wet-dock in size and construction, so far as I could judge from looking at her on the ways, and she was armed with a similar ram or piercer on her stem. I have no doubt whatever that she is also intended for an iron-clad vessel of war.

(Signed) CHARLES PRENTIS.

Sworn at Liverpool, this 29th August, 1863, before me.

(Signed) W. G. STEWART,
Assistant Collector Customs, Liverpool.

No. 36.

Mr. Layard to Mr. Hamilton.[1]

FOREIGN OFFICE, *September* 1, 1863.

SIR: I am directed by Earl Russell to request that you will state to the lords commissioners of Her Majesty's treasury that so much suspicion attaches to the iron-clad vessels at Birkenhead that, if sufficient evidence can be obtained to lead to the belief [344] *that they are intended for the Confederate States of America, Lord Russell thinks the vessels ought to be detained until further examination can be made.

I have, &c.,

(Signed) A. H. LAYARD.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September* 1, 1863.

SIR: You have already been informed that the depositions inclosed in your letters of the 11th, 16th, and 25th of July, and the 14th ultimo, relative to the iron-clad vessels in course of construction at Messrs. Laird's

[1] A similar letter was presented to the home office.

yard at Birkenhead, had been forwarded to the proper departments of Her Majesty's government, in order that such steps might be adopted as could legally and properly be taken. And I have now the honor to communicate to you the result of the inquiries which have been instituted.

In the first place, Her Majesty's government are advised that the information contained in the depositions is in great measure mere hearsay evidence, and generally that it is not such as to show the intent or purpose necessary to make the building or fitting out of these vessels illegal under the foreign-enlistment act.

Secondly. It has been stated to Her Majesty's government, at one time, that these vessels have been built for Frenchmen, and at another that they belonged to the Viceroy of Egypt, and that they were not intended for the so-called Confederate States.

It is true that, in your letter of the 25th of July, you maintain that this statement as regards French ownership is a pretense, but the inquiries set on foot by her Majesty's government have failed to show that it is without foundation. Whatever suspicion may be entertained by the United States consul at Liverpool, as to the ultimate destination of these vessels, the fact remains that M. Bravay, a French merchant residing at Paris, who is represented to be the person upon whose orders these ships have been built, has personally appeared, and has acted in that character at Liverpool. There is no legal evidence against M. Bravay's claim, or anything to affect him with any illegal act or purpose; and the responsible agent of the customs at Liverpool affirms his belief that these vessels have not been built for the confederates.

Under these circumstances, and having regard to the entire insufficiency of the depositions to prove any infraction of the law, Her Majesty's government are advised that they cannot interfere in any way with these vessels.

I can only assure you that a careful watch shall continue to be maintained over them; and that if any act or proceeding contrary to the statute can be shown by trustworthy evidence to have taken place, or if any trustworthy person will furnish Her Majesty's government with such declaration as may suffice to justify the detention of the vessels till further inquiry can be made, I will apply to the treasury to prevent the departure of these vessels till such further inquiry can be made.

But I am sure you will be disposed, in justice to Her Majesty's government, to admit that, in the absence of all evidence, upon mere hearsay, surmise, conversation, and conjecture, Her Majesty's government could not properly direct a prosecution or action under the foreign-enlistment act. A court of justice would never condemn in the absence of evidence, and the government would be justly blamed for acting in defiance of the principles of law and justice, long recognized and established in this country.

I feel the more convinced that such will be your opinion as Mr. Seward, in answering a note of Lord Lyons respecting a supposed plan of issuing letters of marque in behalf of the Japanese government, says: "Prosecutions, however, cannot, it is presumed, be set on foot without affidavits of credible witnesses, as in other cases of imputed misdemeanors and crimes."

Such are, in fact, the principles of American as well as of British law.

I am, &c.,

(Signed) RUSSELL.

[345] *No. 38.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
September 2, 1863. (Received September 2.)

SIR: With reference to the previous correspondence on the subject of the iron-clad vessels building at Birkenhead, I am desired by the lords commissioners of Her Majesty's treasury to transmit, for the information of Earl Russell, the inclosed copy of a letter, of this day's date, from the commissioners of customs, together with the copies of its inclosures.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 38.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *September* 2, 1863.

SIR: I am desired by the board of customs to transmit to you, for such directions as the lords commissioners of Her Majesty's treasury may be pleased to give thereon, the inclosed affidavit and affirmation respecting the iron-clad vessels fitting at Birkenhead, the subject of their lordship's order of the 25th ultimo, and my letters of the 27th and 31st following, together with an application from the American consul at Liverpool of yesterday's date, requesting that one of the vessels which was launched from the yard of Messrs. Laird on the 29th ultimo may be seized and detained.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 38.]

Affirmation of Thomas Haines Dudley.

I, Thomas Haines Dudley, of 3 Wellesley Terrace, Prince's Park, Liverpool, in the county of Lancaster, esquire, do solemnly, sincerely, and truly affirm and declare that the taking of any oath is, according to my religious belief, unlawful, and I do also solemnly, sincerely and truly affirm and declare as follows:

1. I am the consul of the United States of America for the port of Liverpool and its dependencies.

2. I say that there is now and for some time past has been a war carried on between the Government and people of the United States of America and certain persons who have rebelled against such Government and pretended to set up and assume to exercise the powers of government, styling themselves the Confederate States of America.

3. I further say that, to the best of my knowledge, information, or belief, no leave or license has been had or obtained from or of Her Majesty the Queen, under her sign-manual, or any order in council, or any proclamation of Her said Majesty, or otherwise or at all authorizing any person within any part of the United Kingdom to equip, furnish, fit out, or arm ships or vessels with intent or in order that such ship or vessel shall be employed in the service of the said so-called Confederate States, to cruise or commit hostilities against the Government and people of the said United States of America, and that Her Majesty is not now at war with the said United States.

4. I say there have been built in this port for the government or persons assuming the government of the said so-called Confederate States two vessels of war; one of them, namely, the Oreto, now called the Florida, was built by Messrs. W. C. Miller & Son, of Liverpool, and another, the Alabama, by Messrs. Laird & Co., and they have been employed by the so-called Confederate States against the Government and people of the United States of America in the war that is now going on, and armaments and war-crews for both the said vessels went out in them, or were sent out from England to
[346] meet the ships abroad, and were then placed on board them. On *the 4th day of July last another vessel, built by the said Messrs. Laird & Co., and intended for an iron-clad steam-ram, and, as this deponent verily believes, built and intended for a vessel of war, was launched by them from their ship-building yard at Birkenhead.

5. On the 29th day of August last another vessel, built by the said Messrs Laird &

Co., and intended for an iron-clad steam-ram, and, as I verily believe, for a war-vessel, was launched by them from their ship-building yard at Birkenhead.

6. The said vessels mentioned in the 4th and 5th paragraphs of this affirmation respectively are now lying at Birkenhead aforesaid.

7. I say that I have read the affidavits of George Temple Chapman, sworn on the 29th day of June last; of Clarence Randolph Yonge, sworn on the 6th day of April last; of William Hayden Russell and Joseph Ellis, sworn on the 7th day of July last; of Joseph Brady, sworn on the 11th day of July last; of Austin Joseph Hand, sworn on the 15th day of July last; of Thomas Sweeney, sworn on the 11th day of August last; of Joseph Ellis, sworn on the 1st day of September instant; and Charles Prentis, sworn on the 29th day of August last; and I say that from the facts there spoken to, and from the facts and circumstances aforesaid, I verily believe and say that the said vessels above mentioned as having been launched on the 4th day of July last and on the 29th day of August last, respectively, are being equipped, armed, and fitted out with intent and in order that said vessels shall be employed in the service of the said persons setting up to exercise the powers of government, and called the Confederate States of America, and with intent to cruise and commit hostilities against the Government and citizens of the United States of America.

(Signed) THOMAS H. DUDLEY.

Affirmed at the custom-house, Liverpool, in the county of Lancaster, the 1st day of September, 1863, before me,

(Signed) W. G. STEWART,
Assistant Collector.

[Inclosure 3 in No. 38.]

Deposition of Joseph Ellis.

I, Joseph Ellis, of No. 161 Athol street, in Liverpool, in the county of Lancaster, shipwright, make oath and say as follows:

1. I am well acquainted with the construction of iron-plated vessels of war, having assisted to build vessels of that description.

2. I was present in the ship-building yard of Messrs. Laird & Co., at Birkenhead, on Saturday, the 29th day of August, 1863, when an iron-plated vessel lately built by them was launched.

3. The launch took place about 11 o'clock in the morning, and before the vessel went off the ways I had an opportunity of seeing her perfectly well, from the keel upward.

4. The vessel in question is a screw-steamer, somewhat over 200 feet long, as well as I could judge, and of great strength, and covered with iron plates from stem to stern. The said vessel would have about 40 feet of beam amidships, and she has a space at the stern, and another space at the bows, both of which are covered in and protected by strong iron plating.

5. The said vessel is armed with a very formidable ram, or piercer, which is made of iron or steel, and projects, as well as I could judge, about 5 feet from the stem. The said ram or piercer was nearly submerged when the said vessel was afloat after being launched, and when the vessel is in sea-going trim the ram will be quite under the water. The said ram was of great strength, and I am satisfied that it is intended to be used for destroying other vessels. It was similar in appearance to the rams which I have seen on other iron-clad vessels of war.

6. The said vessel's bulwarks were not completed.

7. I was at Messrs. Laird & Co.'s yard aforesaid on the 4th day of July last, when another iron-clad vessel, armed with a similar ram or piercer, was launched from the ways on the north side of the ways from which the iron-clad vessel mentioned in the preceding paragraphs of this affidavit was launched on Saturday last. The said vessels were, as far as I could judge, sister ships, and similarly constructed in all material respects. On the said 4th day of July last one of the said Messrs. Laird &
[347] *Co.'s workmen showed me one of the iron plates prepared to be used on the said vessel launched on Saturday last; such plate was about 4½ inches in thickness.

8. On the said 4th day of July last I examined the said vessel which was launched on Saturday last, and I saw that she was prepared to receive two circular turrets, such as would be used for carrying turret-guns. On the same day I saw in Messrs. Laird & Co.'s yard the frames of two turrets such as would be used for carrying guns on board such a vessel. On Saturday last I saw in Messrs. Laird & Co.'s yard two turrets of the same description, but in a more advanced state, both of them being partially plated with iron.

9. The said vessel which was launched on Saturday last was built on and launched from the slip which is at the south end of Messrs. Laird & Co.'s yard, adjoining Birken-

head Ferry. The other vessel above mentioned, which was launched on the 4th day of July last, was built on and launched from the adjoining slip, on the north side of the slip firstly mentioned in this paragraph. The said vessels were, in fact, built side by side.

10. The said ship which was launched on the 4th day of July last was on Saturday last lying afloat in a wet dock in Messrs. Laird & Co.'s yard, and I endeavored to get to the dock to see her; I was, however, stopped by some of Messrs. Laird & Co.'s men. I told them I wanted to go to look at the vessel lying in the wet-dock, but they told me that their orders from headquarters were not to allow any one pass to see that vessel.

11. The said vessel was launched on Saturday last as aforesaid, and the said vessel launched on the 4th day of July last as aforesaid are, beyond all doubt, intended for iron-clad vessels of war, and not for any other purpose whatever.

(Signed) JOSEPH ELLIS.

Sworn at the custom-house at Liverpool, in the county of Lancaster, the 1st day of September, 1863, before me,

(Signed) W. G. STEWART,
Assistant Collector.

[Inclosure 4 in No. 38.]

Mr. Dudley to Mr. Edwards.

SEPTEMBER 1, 1863.

I, the undersigned Thomas Haines Dudley, consul of the United States of America for the port of Liverpool and its dependencies, do hereby apply to you on behalf of the Government of the United States of America, to seize and detain an iron-clad steam-vessel of war launched from the yard of Messrs. Laird & Co., at Birkenhead, on the 29th day of August last, and now lying at Birkenhead aforesaid, with her tackle, apparel, and furniture, with all the materials, arms, ammunition, and stores which may belong to or be on board of the said vessel, pursuant to the power given to you in that behalf by the seventh section of the act of Parliament 59 Geo. III, cap. 69, on the ground that such vessel is being equipped, furnished, fitted out, and armed in order that such vessel shall be employed in the service of the persons assuming to exercise the power of government, and called the Confederate States of America, and with the intent to cruise and commit hostilities against the Government and citizens of the United States of America, with which Government Her Majesty the Queen is not now at war.

(Signed) THOMAS H. DUDLEY.

No. 39.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
September 3, 1863. (Received September 3.)

SIR: With reference to previous correspondence relating to the iron-clad vessels fitting at Liverpool, as has been suspected, for the service of the Confederate States of North America, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copies of a letter
[348] from *the commissioners of customs, of this day's date, and of its inclosures, further relating to this matter.

I am, &c.,

(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 39.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *London, September* 3, 1863.

SIR: With reference to my letter of yesterday's date, I am now directed to transmit to you, for such directions as the lords commissioners of Her Majesty's treasury may

see fit to give thereon, an affidavit of Thomas Sweeney respecting one of the iron-clad vessels fitting at Birkenhead, with a letter from Messrs. Duncans, Squarey, and Blackmore, of Liverpool, dated the 2d instant, urging, on behalf of the United States Government, the immediate detention of the said vessels.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 39.]

Messrs. Duncans, Squarey & Blackmore to Mr. Edwards.

10 WATER STREET, *Liverpool, September* 2, 1863.

SIR: We beg to hand you herewith another affidavit by Thomas Sweeney in reference to the iron-clad ram launched by Messrs. Laird & Co. on the 4th of July last, from which we submit it appears clearly that there is the greatest risk that the vessel may go to sea at any time. On behalf of the United States Government we beg respectfully to urge upon you, in the strongest manner, the importance of taking immediate steps for the detention of the vessel in question.

We are, &c.,
(Signed) DUNCANS, SQUAREY & BLACKMORE.

[Inclosure 3 in No. 39]

Deposition of Thomas Sweeney.

I, Thomas Sweeney, of No. 57 Crosby street, Liverpool, deck-plainer, make oath and say as follows:

1. I was in the ship-building yard of Messrs. Laird Brothers, at Birkenhead, on Friday last, the 28th day of August last, at about 3 o'clock p. m., and I then saw in one of the graving or dry docks in the said yard the iron-clad ram referred to in the affidavit sworn by me on the 11th day of August last, before the deputy assistant collector of customs at Liverpool, as having been launched on the 4th day of July last, and known as No. 294.

2. When I saw the said vessel on Friday last, as above mentioned, the forward turret had been put into the place prepared for it on board the said vessel a few feet aft of the foremast, and the other turret, intended for the after part of the said vessel, was on the quay alongside of the dock in which the vessel was lying, in a position from which it might be lifted at once and placed on board the said vessel by the crane. The vessel has her masts in, and her rigging, so far as I could judge, is completed. She had no sails bent, but as her engines and machinery were all in order, and her funnel up, she is in a position to get up steam and go to sea at any time.

3. The graving-dock in which the said vessel lies has direct communication with the river Mersey, from which it is separated by a caisson, so that the water can be let in at any time with the flood by removing the caisson.

(Signed) THOS. SWEENEY.

Sworn at the custom-house, Liverpool, this 2d day of September, 1863, before me,
(Signed) W. G. STEWART,
Assistant Collector.

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[349] *No. 40.

Mr. Layard to Mr. Hamilton.

FOREIGN OFFICE, *September* 3, 1863.

SIR: I am directed by Earl Russell to request that you will move the lords commissioners of Her Majesty's treasury to give directions to the customs authorities at Liverpool to stop the iron-clad vessels at Messrs. Laird's yard, at Birkenhead, as soon as there is reason to believe that they are actually about to put to sea, and to detain them until further orders.

I am, &c.,
(Signed) A. H. LAYARD.

No. 41.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 3, 1863. (Received September 3.)

MY LORD: I have the honor to transmit copies of further depositions relating to the launching and other preparations of the second of the two vessels of war from the yard of Messrs. Laird, at Birkenhead, concerning which it has already been my disagreeable duty to make most serious representations to Her Majesty's government.

I believe there is not any reasonable ground for doubt that these vessels, if permitted to leave the port of Liverpool, will be at once devoted to the object of carrying on war against the United States of America.

I have taken the necessary measures in the proper quarters to ascertain the truth of the respective statements current here that they are intended for the use of the government of France or for the Pasha of Egypt, and have found both without foundation. At this moment neither of these powers appear to have occasion to use concealment or equivocation in regard to its intentions, had it any, in obtaining such ships.

In the notes which I had the honor to address to your lordship on the 11th of July and 14th of August, I believe I stated the importance attached by my Government to the decision involved in this case with sufficient distinctness. Since that date I have had the opportunity to receive from the United States a full approbation of its contents. At the same time I feel it my painful duty to make known to your lordship that in some respects it has fallen short in expressing the earnestness with which I have been in the interval directed to describe the grave nature of the situation in which both countries must be placed in the event of an act of aggression committed against the Government and people of the United States by either of these formidable vessels.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 41.]

Mr. Dudley to Mr. Edwards, September 1, 1863.

[See inclosure 4 in No. 38.]

[Inclosure 2 in No 41.]

Affirmation of Thomas Haines Dudley.

[See Inclosure 2 in No. 38.]

[Inclosure 3 in No. 41.]

Deposition of Joseph Ellis.

[See inclosure 3 in No. 38.]

350] [*Inclosure 4 in No. 41.]

Deposition of Charles Prentis.

[See inclosure 5 in No. 35.]

No. 42.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
September 4, 1863. (Received September 4.)

SIR: With reference to previous correspondence on the subject of the iron-clad vessels fitting at Liverpool, as has been suspected, for the service of the Confederate States of North America, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copies of a letter and accompanying papers which have been received from the commissioners of customs further relating to this matter.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 42.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *September* 4, 1863.

SIR: Referring to my letter of yesterday's date and former correspondence respecting the iron-clad vessels fitting at Birkenhead, I am desired to transmit to you the inclosed copy of a letter from the collector at Liverpool, dated the 3d instant, with the letter from the United States consul therein referred to, stating that one of the vessels is taking coal on board, and may go to sea at any time.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 42.]

Mr. Edwards to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, September* 3, 1863.

HONORABLE SIR: Having received the letter annexed from the American consul, Mr. Dudley, I beg to lay the same before the board, observing that the vessel alluded to is one of those mentioned in your order of the 26th ultimo. The letter having been handed in at so late an hour, I have no means of satisfying myself to-day that the consul's allegations are well founded.

Respectfully, &c.,
(Signed) S. PRICE EDWARDS, *Collector.*

[Inclosure 3 in No. 42.]

Mr. Dudley to Mr. Edwards.

UNITED STATES CONSULATE,
Liverpool, September 3, 1863.

SIR: Referring to my application made to you so long since as the 7th day of July last, to detain a steam iron-clad ram built by Messrs. Laird for the confederates, and launched on the 4th of July last, I have now to inform you that intelligence, on which I place full reliance, has reached me that the vessel is taking coal on board, and I apprehend that she may go to sea at any time unless detained.

I am, &c.,
(Signed) THOS. H. DUDLEY.

[351] *No. 43.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 4, 1863. (Received September 4.)

MY LORD: I have the honor to transmit copies of several papers transmitted to me by Mr. Dudley, the consul of the United States at Liverpool, relating to the preparation for immediate departure of the steam-vessel fitting out at that place for the purpose of carrying on war against the Government and people of the United States.

Begging your lordship's permission here to record, in the name of my Government, this last solemn protest against the commission of such an act of hostility against a friendly nation, I pray, &c.

(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 43.]

Mr. Dudley to Mr. Edwards, September 3, 1863.

[See inclosure 3 in No. 42.]

[Inclosure 2 in No. 43.

Messrs. Duncans, Squarey & Blackmore to Mr. Edwards, September 2, 1863.

[See inclosure 2 in No. 39.]

[Inclosure 3 in No. 43.]

Deposition of Thomas Sweeney.

[See inclosure 2 in No. 39.]

No. 44.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September* 4, 1863.

SIR: With reference to your letter of yesterday's date, with respect to the iron-clad steam-rams from Messrs. Laird's yard, at Birkenhead, as well as with reference to previous letters from you on the same subject, I have to inform you that the matter is under the serious and anxious consideration of Her Majesty's government.

I am, &c.,

(Signed) RUSSELL.

No. 45.

Mr. Layard to Mr. Hamilton.

FOREIGN OFFICE, *September* 4, 1863.

SIR: With reference to the inquiries which are being made, under the direction of the solicitor to the treasury, respecting the iron-clads at Messrs. Laird's yard, at Birkenhead, I am directed by Earl Russell to request that you will move the board of treasury to inform their solicitor that it is considered of great importance that an endeavor should be made to ascertain from the crews who may be engaged to serve on board those vessels, all particulars as to their engagement, and more especially as to the destination of the vessels, and to obtain any other evidence which may tend to prove the ownership and destination of the iron-clads.

I am, &c.,
(Signed) A. H. LAYARD.

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[352] *No. 46.

Mr. Layard to Messrs. Laird Brothers.

FOREIGN OFFICE, *September* 4, 1863.

GENTLEMEN: Earl Russell has been led to understand that you have intimated that, while you are not in a position to volunteer information respecting the iron-clad vessels lately launched and now being fitted at your yard, you would readily furnish information upon an official application in writing being made to you for it.

Under these circumstances Earl Russell has instructed me to request you to inform him, with as little delay as possible, on whose account and with what destination these vessels have been built.

I am, &c.,
(Signed) A. H. LAYARD.

No. 47.

Mr. Waddington to Mr. Layard.

WHITEHALL, *September* 4, 1863. (Received September 5.)

SIR: I have laid before Secretary Sir George Grey your letter of the 1st instant, stating that so much suspicion attaches to the iron-clad vessels at Birkenhead that, if sufficient evidence can be obtained to lead to the belief that they are intended for the Confederate States of America, his lordship thinks the vessels ought to be detained until further examination can be made; and I am to acquaint you, for his lordship's information, that Sir George Grey entirely concurs in this view of the matter. The only difficulty arises from the circumstance that the facts which have as yet been stated to be capable of proof in a court of law did not, in the opinion of the law-officers of the Crown, afford sufficient legal evidence that these vessels are intended for the Confederate States.

I am, &c.,
(Signed) H. WADDINGTON.

No. 48.

Mr. Layard to the secretary to the treasury.

FOREIGN OFFICE, *September* 5, 1863.

SIR: With reference to my letters of the 1st and 3d instant, respecting the iron-clads at Messrs. Laird's yard at Birkenhead, I am directed by Earl Russell to request that you will move the lords commissioners of the treasury to desire that those vessels may be prevented from leaving the port of Liverpool until satisfactory evidence can be given as to their destination, or, at all events, until the inquiries which are now being prosecuted with a view to obtain such evidence shall have been brought to a conclusion. Lord Russell does not wish to stop the building or fitting of the iron-clads, but to prevent their going out for trial or on any other pretext; and his lordship requests that the commissioners of customs may be informed that Her Majesty's government will be responsible for any damages that may be awarded in consequence.

I have, &c.,
(Signed) A. H. LAYARD.

No. 49.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 5, 1863. (Received September 5.)

MY LORD: At this moment, when one of the iron-clad war vessels is on the point of departure from this kingdom, on its hostile errand against the United States, I am honored with the reply of your lordship to my notes of the 11th, 16th, and 25th of July, and of the 14th of August. I trust I need not express how profound is my regret at the con-
[353] clusion *to which Her Majesty's government have arrived. I can regard it no otherwise than as practically opening to the insurgents free liberty in this kingdom to execute a policy described in one of their late publications in the following language:

> In the present state of the harbor-defenses of New York, Boston, Portland, and smaller northern cities, such a vessel as the Warrior would have little difficulty in entering any of those ports, and inflicting a vital blow upon the enemy. The destruction of Boston alone would be worth a hundred victories in the field. It would bring such a terror to the blue-noses as to cause them to wish eagerly for peace, despite their overweening love of gain, which has been so freely administered to since the opening of this war. Vessels of the Warrior class would promptly raise the blockade of our ports, and would, even in this respect, confer advantages which would soon repay the cost of their construction.

It would be superfluous in me to point out to your lordship that this is war. No matter what may be the theory adopted of neutrality in a struggle, when this process is carried on in the manner indicated from a territory and with the aid of the subjects of a third party, that third party, to all intents and purposes, ceases to be neutral. Neither is it necessary to show that any government which suffers it to be done fails in enforcing the essential conditions of international amity toward the country against whom the hostility is directed. In my belief it is impossible that any nation retaining a proper degree of self-respect could tamely submit to a continuance of relations so utterly deficient in reciprocity. I have no idea that Great Britain would do so for a moment.

After a careful examination of the full instructions with which I have been furnished in preparation for such an emergency, I deem it inexpedient for me to attempt any recurrence to arguments for effective interposition in the present case. The fatal objection of impotency which paralyzes Her Majesty's government seems to present an insuperable barrier against all further reasoning. Under these circumstances I prefer to desist from communicating to your lordship even such further portions of my existing instructions as are suited to the case, lest I should contribute to aggravate difficulties already far too serious. I therefore content myself with informing your lordship that I transmit by the present steamer a copy of your note for the consideration of my Government, and shall await the more specific directions that will be contained in the reply.

I seize this opportunity to pray permission of your lordship to correct a clerical error inadvertently made in my note of the 3d instant, in inserting the dates of two notes of mine as having received the express approbation of my Government. The intention was to specify only one, that of the 11th of July. The correction is not material, excepting as it conforms more strictly to the truth.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 50.

Mr. Colquhoun to Earl Russell.

ALEXANDRIA, *August* 28, 1863. (Received September 5.)

MY LORD: With reference to my dispatch of yesterday's date, I have ascertained the following to be the state of matters between the Viceroy and M. Bravay. I had alluded to this gentleman's claims against the Egyptian government in my letter of 26th February.

M. Bravay resolved to push his claims for certain commissions alleged to have been given to him verbally by the late Said Pasha, arrived here some time ago, and, having met with a positive refusal on the part of the present Viceroy, proceeded to Paris, where, having ascertained that he would be supported by the French agent, he caused a large quantity of money to be coined, and returned here a few weeks ago with some millions of francs bearing the imprint of Said Pasha. His other claims were for a couple of iron-clad vessels which he declared were on the stocks in builders' hands, (he did not say where,) and a large quantity of unbleached linen for clothing the Egyptian army; of this latter he has also in the custom-house a very large quantity.

Last week he proceeded up to Cairo; saw the Viceroy several times; dined with him; and a few days ago it was announced that M. Bravay's affairs were definitively settled.

[354] *I saw M. Bravay yesterday; he entered unhesitatingly on the subject, and gave me the following detail of what had taken place.

After offering to produce his books to prove to the Viceroy that, in the numerous transactions in which he had been engaged with Said Pasha, only in one single instance (and that where he had a partner) had the transaction been put to paper; that, therefore, there was no reason why any writing should now have passed; furthermore, he said, that, with regard to the striking money, it was a thing of public noto-

riety, as was also the contract for the cloth; that the orders were given for the two iron-clads when Said Pasha was last in France; that he had been promised support in advancing his demands from Paris; that he was unwilling to push matters to extremities; that he was open to an equitable arrangement, &c.; and in fact he succeeded in concluding a transaction of which the following is the substance:

He is to take back to Paris the coin he has now here; he is to substitute the Sultan's cipher (or tourah) for that of the late Said; he is to coin about fifty millions of gold and silver, in coins equivalent to the sovereign and half-sovereign in gold, English standard; silver, in coins of 20, 10, and 5 piastres; and about three millions of copper. He told me he netted by this transaction £50,000. (I believe the benefit to be nearly £75,000.) For this he abandons all claim on the Egyptian government of any kind whatever, and has signed a document to that effect.

Ismail Pasha was firm in declining to have anything to do with the iron-clads; when urged by Bravay that they were already on the stocks, and that he had actually paid a large sum on account, appealing to Ismail's justice, the Viceroy persisted in his refusal, but said, "Send me out the plans, and I will see if I can recommend them to the Turkish government, the Sultan being now anxious to increase his navy."

M. Bravay understands clearly that he has nothing to expect from the Egyptian government, and, as he repeated to me, that if the Viceroy succeeds with his recommendation to the Turkish government, it would be well, but if not he must make the best terms he can with his contractors, who, he told me, were Messrs. Laird, of Birkenhead.

With regard to the cloth, the Viceroy equally refused it; and M. Bravay said he would dispose of it as best he could.

The preceding I had from M. Bravay himself, and I have no reason to doubt the truth of it.

He is a singular person, with a thorough knowledge of the country, from the rulers of which he has managed to extract an enormous fortune; he is frequently in difficulties, his ready money going to create friends in high places, not in Egypt only. By the purchase of a large property in, I believe, the department of the Drôme, he has succeeded in getting himself elected deputy, and may yet be a useful man in the chamber. He has always been hostile to the Suez Canal, and quarreled seriously with the late Viceroy when he found he had allowed himself to be inveigled into becoming so deeply involved in the scheme.

I have, &c.,

(Signed) ROBERT G. COLQUHOUN.

No. 51.

Earl Cowley to Earl Russell.

PARIS, *September* 6, 1863. (Received September 7.)

MY LORD: It appears that the United States minister, Mr. Dayton, has more than once spoken to M. Drouyn de Lhuys on the subject of the two iron-clad ships building at Birkenhead, and said to have been ordered by a French subject, which have been the subject lately of some inquiries on the part of your lordship. M. Drouyn de Lhuys has disclaimed having any knowledge of this matter, but has expressed the belief that they are destined for the Pasha of Egypt. He has written

to the French consul-general at Alexandria to make inquiries upon the subject.

With regard to the apprehension shown by Mr. Dayton lest these ships should be allowed to leave England under the French flag, M. Drouyn de Lhuys has observed that the French flag cannot be legitimately made use of, unless the ship bearing it shall have been previously made French.

I have, &c.,
(Signed) COWLEY.

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[355] *No. 52.

Messrs. Laird Brothers to Mr. Layard.

BIRKENHEAD IRON-WORKS,
Birkenhead, September 5, 1863. (Received September 7.)

SIR: We have received your letter of the 4th instant, stating that Lord Russell has instructed you to request us to inform him, with as little delay as possible, on whose account and with what destination we have built the iron-clad vessels recently launched and now in course of completion at our works.

In reply we beg to say that although it is not usual for ship-builders to declare the names of parties for whom they are building vessels until the vessels are completed and the owners have taken possession, yet, in this particular case, in consequence of the many rumors afloat, coupled with the repeated visits of Mr. Morgan, the surveyor of customs, to our works, we thought it right to ask permission of the parties on whose account we are building the vessels, to give their names to the English government, in the event of such information being asked for officially in writing. They at once granted us the permission we sought for.

We therefore beg to inform you that the firm on whose account we are building the vessels is A. Bravay & Co., and that their address is No. 6 rue de Londres, Paris, and that our engagement is to deliver the vessels to them in the port of Liverpool when they are completed according to our contract.

The time in which we expect to have the first vessel so completed is not less than one month from this date, and the second vessel not less than six or seven weeks from this date.

We are, &c.,
(Signed) LAIRD BROS.

No. 53.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September* 8, 1863.

Lord Russell presents his compliments to Mr. Adams, and has the honor to inform him that instructions have been issued which will prevent the departure of the two iron-clad vessels from Liverpool.

No. 54.

Mr. Layard to Mr. Hamilton.

FOREIGN OFFICE, *September* 9, 1863.

SIR: I am directed by Earl Russell to transmit to you, for the information of the lords commissioners of Her Majesty's treasury, a copy of a letter which his lordship has received from Messrs. Laird relative to the ownership and destination of the iron-clad vessels now lying at Birkenhead.[1]

I inclose a copy of a dispatch from Earl Cowley on the subject.[2]

I am, &c.,
(Signed) A. H. LAYARD.

No. 55.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
September 9, 1863. (Received September 10.)

MY LORD: I have the honor to acknowledge the reception of your lordship's note of yesterday, announcing the determination of Her Majesty's government to prevent the departure of the war-vessels now fitting out at Liverpool. I shall take great pleasure in transmitting a copy for the information of my Government.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

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[356] *No. 56.

Mr. Hamilton to Mr. Layard.

TREASURY CHAMBERS,
September 10, 1863. (Received September 10.)

SIR: I am desired by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, copy of a letter from the commissioners of customs of this day's date, and of its inclosures, respecting the iron-clad vessels building at Birkenhead; and, with reference to your letter of the 5th instant, in which it was stated to be Lord Russell's wish that these vessels should be prevented from going out for trial, or on any other pretext, I am to request that my lords may be informed whether any alteration in the instructions given to the customs in accordance with that letter is now to be made.

I am, &c.,
(Signed) GEO. A. HAMILTON.

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[1] No. 52. [2] No. 51.

[Inclosure 1 in No. 56.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *September* 10, 1863.

SIR: With reference to an order of the lords commissioners of Her Majesty's treasury, dated the 5th instant, inclosing a copy of a letter from the foreign office signifying the desire of Earl Russell that the iron-clad vessels fitting on the premises of Messrs. Laird, at Birkenhead, may be prevented from going out for trial, or on any other pretext, I am directed to transmit to you, for the consideration and directions of their lordships, the inclosed copy of a report from the collector of this revenue at Liverpool, dated the 9th instant, with a copy of the letter from Messrs. Laird therein referred to, intimating their intention to take one of the vessels from the graving-dock for a trial trip on Monday next.

I have, &c.,
(Signed) E. G. GARDNER.

[Inclosure 2 in No. 56.]

Mr. Edwards to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, September* 9, 1863.

HONORABLE SIRS: In submitting the accompanying application from Messrs. Laird, praying to be allowed to take out of the graving-dock at Birkenhead one of the iron-clad ships alluded to in a letter from the foreign office, dated the 5th instant, which accompanied your honors' order of the same date, I have to observe that I am fully persuaded the Messrs. Laird have no intention of taking away the ship, but will bring her back into the port to be finished.

On reference to the foreign-office letter, it will be seen that the ships are not to be allowed to go to sea on trial; but it is to be remarked that the order was issued before Earl Russell's application to the builders to know who the owners are, and before I received the guarantee of the builders that the ships shall not go to sea without previous notice being given to me, so that I may have time to obtain your further directions regarding them.

Under these circumstances I respectfully request that I may be informed of the board's pleasure on the request to remove one of the ships.

(Signed) S. PRICE EDWARDS.

[Inclosure 3 in No. 56.]

Messrs. Laird Brothers to Mr. Edwards.

BIRKENHEAD IRON-WORKS, *Birkenhead, September* 8, 1863.

SIR: Referring to our letter to you of the 4th instant, we think it right to inform you that it is our intention to take one of the iron-clads, the El Tousson, from our
[357] *graving-dock for a trial-trip on Monday next, within the usual limits of such trial-trips, and you may rely on our bringing the vessel into the Birkenhead float when the trial is finished, it being our intention to complete the vessel in the Birkenhead float.

This trial is requisite to test the machinery and other parts, but will not alter the time previously stated for the completion of the vessel.

We remain, &c.,
(Signed) LAIRD BROS.

No. 57.

Mr. Welby to Mr. Hammond.

TREASURY, *September* 10, 1863. (Received September 10.)

DEAR MR. HAMMOND: Mr. Hamilton sent me over to Mr. Layard yesterday, to show him a private note addressed by Messrs. Laird to

the collector of customs at Liverpool on the 4th, being the day prior to the receipt by the collector at Liverpool of our private orders not to let the ships go.

Mr. Goulburn forwarded it to Mr. Hamilton for his information.

Mr. Layard said he should like Lord Russell to see a copy of it.

Mr. Hamilton, therefore, desires me to make the copy, (herewith,) and forward it to you.

I am, &c.,
(Signed) R. E. WELBY.

[Inclosure in No. 57.]

Messrs. Laird Brothers to Mr. Edwards.

BIRKENHEAD IRON-WORKS,
Birkenhead, September 4, 1863.

SIR: As the many rumors afloat in respect to the two iron steam-rams built by us, and now lying in our dock, have induced frequent and unusual visits of Mr. Morgan, the surveyor of customs, to our works, we are desirous of saving you any further unnecessary trouble about these vessels, by giving you our promise that they shall not leave the port without your having a week's notice of our intention to deliver them over to the owners, and we shall inform the owners of this engagement on our part.

We may add that the first vessel will not be ready for a month, and the second for six or seven weeks from this date.

We are, &c.,
(Signed) LAIRD BROS.

No. 58.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *September* 11, 1863.

SIR: With reference to your letter of yesterday's date, respecting the application of Messrs. Laird to be allowed to take out on a trial-trip one of the iron-clad steamers now building by them at Liverpool, and whose detention was requested in Mr. Layard's letters of the 3d and 5th of September, I am directed by Earl Russell to request that you will move the lords commissioners of Her Majesty's treasury to have the goodness to inform him what security is to be had against the escape of the vessel if the permission sought for should be granted.

I am, &c.,
(Signed) E. HAMMOND.

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[358] *No. 59.

Mr. Hamilton to Mr. Layard.

TREASURY CHAMBERS,
September 11, 1863. (Received September 11.)

SIR: With reference to the previous correspondence respecting the iron-clad vessels building at Birkenhead, I am desired by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, copy of a letter dated the 10th instant, from

Messrs. Laird Brothers, in reply to a letter from this board of the 9th instant.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 59.]

Messrs. Laird Brothers to Mr. Hamilton.

BIRKENHEAD IRON-WORKS,
Birkenhead, September 10, 1863.

SIR: We are in receipt of your letter of the 9th instant, informing us that the lords commissioners of Her Majesty's treasury have issued orders to the commissioners of customs that the two iron-clad steamers now in course of construction by us are not to be permittted to leave the Mersey until satisfactory evidence can be given of their destination.

In reply, we beg to inform you that we have forwarded a copy of your letter to Messrs. A. Bravay & Co., at No. 6 rue de Londres, Paris, on whose account we are building the vessels, and to whom we beg to refer you, inasmuch as our engagement with them is, to deliver the vessels at the port of Liverpool when they are completed, according to our contract.

It may be useful to the lords commissioners of Her Majesty's treasury to know that the time in which we expect to have the first vessel so complete is not less than one month from this date, and the second vessel not less than six or seven weeks from this date.

We are, &c.,
(Signed) LAIRD BROS.

No. 60.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September* 11, 1863.

SIR: I have received your letter of the 5th instant. I have read it with great regret.

It has been the aim of the government of Great Britain to maintain a strict neutrality between the parties who for two years have carried on a civil war of unusual extent and loss of life on the continent of North America.

Her Majesty's government have for the most part succeeded in this impartial course. If they have been unable to prevent some violations of neutrality on the part of the Queen's subjects, the cause has been that Great Britain is a country which is governed by definite laws, and is not subject to arbitrary will. But law, as you are well aware, is enforced here, as in the United States, by independent courts of justice, which will not admit assertion for proof, nor conjecture for certainty.

In the United States, as in England, questions of this nature have been discussed by judges of great legal ability, whose learning and impartiality have given weight and authority to their decisions in every part of the civilized world.

Her Majesty's government feel confident that the President of the United States will be disposed rather to resort to those great expositors of international law, and to be guided rather by a careful examination of the course of Her Majesty's government, than to yield to the hasty conclusions and prejudiced imputations of public clamor.

For instance, in the case still pending of the iron-clad steam-rams at Birkenhead, Mr. Seward, with his knowledge and perspicuity of judg-

ment, cannot fail to acknowledge that it was necessary to show,
[359] not only that these vessels were built and equipped *for purposes of war, but also that they were intended for the so-called Confederate States.

With a view to complete the evidence on this head, it was material to prove that the iron-clads were not intended for the French government or for the Pasha of Egypt. With respect to the French government, Her Majesty's government have received, upon inquiry, assurances through Earl Cowley and the Marquis of Cadore that the French government have nothing to do with the Birkenhead iron-clads.

With respect to the Egyptian government, it was only on the 5th instant that Her Majesty's government received a dispatch from Mr. Colquhoun, Her Majesty's consul-general in Egypt, which is conclusive on this subject.

Mr. Colquhoun reported on the 28th August that M. Bravay, a French subject and a member of the French Chamber of Deputies, had stated to Ismail Pasha very lately that the orders for the two iron-clads were given when said Pasha was last in Paris. M. Bravay seems to have urged Ismail Pasha to fulfill the verbal contract of his predecessor by purchasing these vessels, for which he, M. Bravay, had paid, as he alleged, a large sum on account. But Ismail Pasha, Mr. Colquhoun adds, refused to purchase these vessels.

From this example and that of the vessels built for the Emperor of China, whose name was alleged all over the United States to be a mere sham to cover the real destination of the vessels, the President will gather how necessary it is to be dispassionate and careful in inquiries and statements upon subjects involving such great interests and affecting the good faith and character of a power so honorable as Great Britain.

These matters will no doubt be duly and dispassionately considered by the Government at Washington, however they may have been understood in London.

I deem it right, however, to observe that the question at issue between yourself and Her Majesty's government relates to two separate and distinct matters: the several international duties of neutrality and the municipal law of the United Kingdom. With regard to the general duties of a neutral, according to international law, the true doctrine has been laid down repeatedly by Presidents and judges of eminence of the United States, and that doctrine is, that a neutral may sell to either or both of two belligerent parties any implements or munitions of war which such belligerent may wish to purchase from the subjects of the neutral, and it is difficult to find a reason why a ship that is to be used for warlike purposes is more an instrument or implement of war than cannon, muskets, swords, bayonets, gunpowder, and projectiles to be fired from cannon and muskets. A ship or musket may be sold to one belligerent or the other, and only ceases to be neutral when the ship is owned, manned, and employed in war, and the musket is held by a soldier and used for the purpose of killing his enemy. In fact, the ship can never be expected to decide a war or a campaign, whereas the other things above mentioned may, by equipping a large army, enable the belligerent which acquires them to obtain decisive advantages in war. Then again, as regards the employment of the subjects of a neutral by either belligerent, it is obvious that even if the whole crew of a ship of war were composed of the subjects of a neutral, that crew would have less influence on the results of the war than whole regiments and brigades employed on land and composed of the subjects of a neutral State.

Now, admitting that the confederates have been able to employ some vessels built in the United Kingdom, in spite of the efforts of Her Majesty's government to prevent it, and admitting also that which is believed to be the fact, that the confederates have derived a limited supply of arms and ammunition from the United Kingdom, notwithstanding the Federal blockade of their ports, yet, on the other hand, it is perfectly notorious that the Federal Government have purchased in and obtained from the United Kingdom a far greater quantity of arms and warlike stores.

As far, then, as regards the drawing warlike supplies from the United Kingdom, the Federal Government has done in that respect a great deal more than the confederates have done, and if in contradiction to the doctrine repeatedly and deliberately promulgated by Presidents of the United States, the furnishing of such supplies by the subjects of a neutral to one belligerent is, as you would seem to represent it, an act of war against the other belligerent, the United Kingdom of Great Britain must be deemed to be at war with both the contending parties in North America, but to have given greater assistance in the war to the Federals than to the confederates.

But if the question with regard to war is to be raised, the difference is far greater. Even admitting, as asserted by you—though Her Majesty's government have no knowledge of the fact—that a small number of British subjects have, in defiance of Her Majesty's proclamation, engaged in the service, either by sea or by land, of
[360] the *confederates, it might be asked whether no British seamen are now employed in the naval service of the United States Government; at all events, it is well known that large numbers of natural-born subjects of Her Majesty have fought and fallen in the ranks of the Federal armies, and it is confidently asserted, though Her Majesty's government have no proof of the fact, that agents of the Federal Government are employed within the United Kingdom to engage subjects of Her Majesty to emigrate to the United States with a view of engaging when there in the military service of the Federal Government. Her Majesty's Government would fain hope that such reports are unfounded, because such a proceeding would not only be a departure from international comity, inasmuch as it would be tempting British subjects to act in violation of Her Majesty's proclamation, but it would also be diametrically at variance with the doctrine laid down by the President of the United States upon a similar matter in 1855, during the war between Great Britain and Russia.

Upon the second branch of this subject, namely, the question how far Her Majesty's government have enforced the municipal law of the United Kingdom, commonly called the "foreign-enlistment act," Her Majesty's government can only repeat that they have taken every step to enforce that law which by legal authority they have been advised to be within their competency, and Her Majesty's government will, from a due regard to their own good faith and to the national dignity continue, without regard to any other consideration, to pursue the same course.

Her Majesty's government forbear from making any remarks upon the passage which is quoted by you from some confederate newspaper, the editor of which tries to show what damage the Warrior could inflict upon the sea-board of the Federal States.

Such remarks have happily no bearing upon the present state of things, and may be dismissed without comment.

Her Majesty's government, in conclusion, can only hope that the Government at Washington may take a calmer and more dispassionate

view of these matters than seems to be inferred from your note; but at all events Her Majesty's government can with perfect sincerity assure you that it is their earnest desire faithfully to perform the duties of neutrality in the unhappy conflict which now devastates so large a portion of the States of North America, and that so far from being animated by any feelings of hostility toward either of the contending parties, they would deem it fortunate and honorable to Great Britain if any opportunity should occur which could offer to Her Majesty's government the slightest chance of being in any way useful in promoting the establishment of peace.

I have to add that instructions have been issued for preventing the departure of the iron-clad vessels in question from Liverpool until satisfactory evidence can be given as to their destination, or at all events until the inquiries which are now being prosecuted with a view to obtain such evidence shall have been brought to a conclusion.

I am, &c.,
(Signed) RUSSELL.

No. 61.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
September 12, 1863. (Received September 12.)

SIR: With reference to the letter from this board of the 10th instant, respecting the proposed trial-trip of one of the iron-clad vessels building in Messrs. Laird's yard at Birkenhead, I am desired by the lords commissioners of Her Majesty's treasury to transmit, for the information of Earl Russell, copy of a report from the commissioners of customs of this day's date, and I am to request that his lordship will favor my lords with his opinion as to whether or not permission shall be granted to the Messrs. Laird to make the trial of the iron-clad El Tousson on Monday, as proposed.

I am, &c.,
(Signed) GEO. A. HAMILTON.

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[361] *[Inclosure in No. 61.]

The commissioners of customs to the lords commissioners of the treasury.

CUSTOM-HOUSE, *September* 12, 1863.

Your lordships having referred to us the annexed letter from Mr. Hammond, adverting to the application of Messrs. Laird to be allowed to take out on a trial-trip one of the iron-clad steamers now building by them at Liverpool, the detention of which was requested by Mr. Layard's letters of the 3d and 5th instant, and signifying the request of Earl Russell to be informed what security is to be had against the escape of the vessel if the permission sought should be granted, we report—

That there would not appear to be sufficient time to obtain security by bond for return of the vessel, even if your lordships thought, with reference to the express promise given in the letter of Messrs. Laird, (forwarded to your lordships in our secretary's letter dated the 10th instant,) that such a course was necessary.

That, should there be any intention to take the vessel away, no force of the custom-house officers on board could prevent it.

That, on the receipt of your lordships' present reference, and having in view the expressions made use of by our collector at Liverpool in his report on the 5th instant, to the effect that he was fully persuaded that Messrs. Laird have no intention of taking away the ship, but will bring her back into the port to be finished, we forwarded a

telegraphic message to him to the following effect, viz: "If the iron-clad is allowed to go on a trial-trip on Monday, will you be responsible for her return to dock?" In reply, the collector has transmitted to us the following answer: "I will willingly be answerable for the return of the vessel after the trial-trip." And we now take leave to submit to your lordships that no better security could be obtained than the collector's answer to our telegram, coupled with the promise given by Messrs. Laird in their letter before referred to, which it appears to us could not be broken without a forfeiture of the commercial character of the firm, and Mr. Laird's position in society as a member of Parliament.

With these remarks, we leave the matter for your lordships' consideration and decision.

(Signed) J. GOULBURN.
R. W. GREY.

No. 62.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *September* 13, 1863.

SIR: I have laid before Earl Russell your letters of the 10th and 12th instant, respecting an application which has been made by Messrs. Laird that they may be allowed to send one of the iron-clads now building at Liverpool on a trial-trip.

You were informed by Mr. Layard's letter of the 5th instant, that Lord Russell did not wish to stop the building or fitting of the iron-clads, but to prevent their going out on trial, or on any other pretext; but his lordship having considered the statements in your letters of the 10th and 12th instant, and their inclosures, is willing so far to modify his former decision as to allow the trial-trip to be made by the vessel referred to in your letters, his lordship relying on the honorable engagement which has been given in writing by Messrs. Laird that the ship shall, after the usual trial-trip, be brought back again to Liverpool, and shall not leave that port without a week's notice to Her Majesty's government of the intention to send her away.

I am, &c.,
(Signed) E. HAMMOND.

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[362] *No. 63.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS, *September* 16, 1863.
(Received September 16.)

SIR: With reference to the previous correspondence on the subject of the iron-clad vessels building at Birkenhead, I am desired by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, copy of a letter of yesterday's date from their lordship's solicitor, and of its inclosure from Messrs. Townsend and Jackson, dated Birkenhead, the 14th instant.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 63.]

Mr. Greenwood to Mr. Hamilton.

TREASURY, *September* 15, 1863.

SIR: With reference to the instructions which I have sent from time to time to my agents at Birkenhead, by directions of their lordships and Lord Russell, to make inquiries as to the destination and intended employment of the iron-clad steam-rams now being built in Messrs. Laird's yard, I beg to inclose, for their lordships' information, a copy of a letter which I have this day received from Messrs. Townsend and Jackson.

I have, &c.,
(Signed) JOHN GREENWOOD.

[Inclosure 2 in No. 63.]

Messrs. Townsend and Jackson to Mr. Greenwood.

30 HAMILTON SQUARE,
Birkenhead, September 14, 1863.

SIR: One of the two iron-clad vessels steamed this morning from the dock in Messrs. Laird's yard into the public dock. As far as could be seen from the quay, she is all complete and ready for sea, except as to the turrets on deck, of which neither as yet is covered with the armor-plating.

From inquiries which we have been making we gather that none of the clerks or workmen in Messrs. Laird's yard know anything more than the public generally of the destination of the vessels, nor of the time when they are intended to sail. We have been endeavoring to ascertain the latter fact that we may keep watch for the shipping of a crew, which will probably be delayed until the day or so before they sail. We have not found any evidence likely to be of use, but we learn that the carpenters and others engaged on the vessels are working overtime, and that their completion is being pressed.

We observe the announcement in the Times newspaper of this date that their departure has been prohibited, but of course await instructions before relaxing our efforts.

We are, &c.,
(Signed) TOWNSEND AND JACKSON.

No. 64.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 16, 1863. (Received September 18.)

MY LORD: I have the honor to acknowledge the receipt on the 14th of your note dated on the 11th, in reply to mine of the current month.

Your lordship remarks that you had read my letter with great regret. On my part I am very sure that it could not exceed the regret with which I wrote it.

You are pleased to observe that Her Majesty's government hopes that my Government may take a calmer and more dispassionate view
[363] of the matters involved in this *discussion than seems to be inferred from my note. If in that note I should have unfortunately led Her Majesty's government to any inference of the kind, I can only assure your lordship that the fault must be exclusively mine. At the same time I feel it my duty not to disguise from you the very grave sense it entertains of the danger that Her Majesty's Kingdom may be used by the enemies of the United States, in conjunction with numerous ill-disposed subjects of her own, to carry on a war against them in

manner and spirit wholly at variance with the rules of neutrality which Her Majesty's government has prescribed for itself in the present contest, as well as with the stronger obligations of amity and good will imposed by solemn treaties long since entered into between the parties.

Your lordship appears disposed to throw aside the extract made in my note from an insurgent publication as "happily having no bearing upon the present state of things." That publication was predicated upon the expectation raised by the report of the case of the Alexandra that no further obstructions to the full execution of the policy therein indicated would be made in the ports of Her Majesty's Kingdom. Coming as it did in corroboration of secret information derived from other sources, I certainly felt as if it was incumbent upon me to lay before you a view of the consequences not unlikely to result from the adoption of the conclusions announced to me in your note of the 1st, which fully justified that expectation. If Her Majesty's government have not the power to prevent the harbors and towns of a friendly nation from being destroyed by vessels built by British subjects and equipped, manned, and dispatched from her harbors, with the intention to work that immense mischief, then is the neutrality of the kingdom nothing more than a shadow under which war may be conducted with more effect than if undisguised; and all international obligations, whether implied or expressed, not worth the paper on which they are written.

It is no part of my intention to renew with your lordship the discussion of the extent to which a belligerent may draw resources from the territory of a neutral, nor yet to examine the degree in which the respective parties to the present contest have done so in Great Britain. The limit in the first instance is well known to be the law of trade which passively ignores the character of the purchaser. That limit I desire once more to declare to your lordship has never been passed by the Government of the United States. Whatever may be the insinuations or intimations to the contrary, to which your lordship alludes, the repeated and authorized denials of them made by me would seem in ordinary courtesy to be entitled to full confidence, at least so long as it is admitted that no evidence exists to impair its reputation for good faith.

On the other hand, the history of the past two years has proved beyond the possibility of denial that the insurgents have steadily and persistently been engaged in transgressing the limit above laid down. They have built ships in the ports of this kingdom with the intent to make war on the United States; they have equipped and armed those ships with the aid of British subjects; they have manned those ships by enlistments of British subjects; and without ever entering any insurgent harbor they have sailed on the high seas, committing depredations on the property of the people of the United States under the protection of the British flag. In advance of this series of proceedings, I have been steadily engaged in making representations of the danger of the same to your lordship, the correctness of which has been almost uniformly verified by the result. In the very first instance in which I had the honor to present a remonstrance to your lordship, the case of the gun-boat Oreto, it appears from the admission of the individual now in command of that vessel under the name of the Florida, that she was built in the port of Liverpool with the intent to carry on war against the United States. I quote from the language of a letter signed by J. N. Maffit, which has appeared in the public prints, when I say "that corvette has, in fact, been built and armed by the government of the Confederate States of America." This building and arming are well known to have been done from the ports and harbors of Great Britain and its dependencies.

And just so has it been with the other vessels of the same nature on the ocean that have never yet earned any national character, excepting that which may attach to them from the territory where they were built, equipped, manned, and armed.

It is unnecessary for me to enlarge further upon this view of the case, or to contrast this conduct of the insurgents with that observed by the United States. I shall content myself only with pointing out to your lordship that the suffering by Great Britain of such proceedings as I have complained of is in violation of the rules of neutrality established by the law of nations, as laid down by distinguished writers, including your lordship, as well as of the very terms of the enlistment act, as adopted in this kingdom for the purpose of enforcing those rules.

[364] *This is the language of Martens on the subject:

Celui-là au contraire blesse les devoirs de la neutralité qui, sans engagements antérieurs * * * * tolère sur son territoire les préparatifs militaires de l'une des Puissances belligérantes en souffrant des armements en course, &c.

I now quote from the authority of your lordship yourself:

Attempts on the part of the subjects of a neutral government to take part in a war, or to make use of the neutral territory as an arsenal or barrack for the preparation and inception of direct and immediate hostilities against a state with which their government is at peace—as by enlisting soldiers, or fitting out ships of war, and so converting, as it were, neutral territory into a hostile depot or post in order to carry on hostilities therefrom—have an obvious tendency to involve in the war the neutral government which tolerates such proceedings. Such attempts, if unchecked, might imply at least an indirect participation in hostile acts, and they are therefore consistently treated by the government of the neutral state as offenses against its public policy and safety, which may thereby be implicated.

How far the enlistment act appears to have been infringed upon, I trust I need go no further to show than to quote the view with which your lordship has heretofore honored me of what acts constitute a violation of that statute:

The foreign-enlistment act is intended to prevent the subjects of the Crown from going to war when the sovereign is not at war. Thus private persons are prohibited from fitting out a ship of war in our ports, or from enlisting in the service of a foreign state at war with another state, or in the service of insurgents against a foreign sovereign or state. In these cases the person so acting would carry on war, and thus might engage the name of their sovereign and of their nation in belligerent operations.

And here your lordship will permit me to remind you that Her Majesty's government cannot justly plead the inefficacy of the provisions of the enlistment law to enforce the duties of neutrality in the present emergency, as depriving them of the power to prevent the anticipated danger. It will doubtless be remembered that the proposition made by you, and which I had the honor to be the medium of conveying to my Government, to agree upon some forms of amendment of the respective statutes of the two countries, in order to make them more effective, was entertained by the latter, not from any want of confidence in the ability to enforce the existing statute, but from a desire to co-operate with what then appeared to be the wish of Her Majesty's ministers. But upon my communicating this reply to your lordship, and inviting the discussion of propositions, you then informed me that it had been decided not to proceed any further in this direction, as it was the opinion of the cabinet, sustained by the authority of the lord chancellor, that the law was fully effective in its present shape.

It should here be observed that it was because I inferred from the language of your lordship's note of the 1st of this month a virtual abnegation by Her Majesty's government of all power practically to prevent the violation of these admitted obligations of neutrality notoriously

going on within this kingdom, that I felt it my duty to represent, in firm, but I trust not disrespectful or unsuitable language, the strong sense of injury which my Government would unquestionably entertain on learning the unfortunate conclusion to which they had arrived.

And here I must ask permission of your lordship to observe that the disposition shown in that note to attach credit to a fraud which to me seemed so transparent as that attempted in the person of M. Bravay, was calculated to inspire in me the most serious fears of the possibility of my ever being able to interpose the smallest obstacle in future to the most barefaced imposture that might be practiced in these cases on Her Majesty's government. Well knowing the unscrupulous character of the parties engaged in these operations, I had every reason to apprehend they would always be prepared with some similar specious pretense to annul any attempts further to hinder their illegal operations.

The simulated ownership of this M. Bravay appears to have dated so long back as on the 3d of July last. It was first alleged that it had been claimed through the official agency of the consul of France at Liverpool. And in this form the story was honored by the countenance of the first minister, Lord Palmerston, in the debate which took place in the House of Commons on the 23d of that month. Your lordship will recollect that I took immediate measures to procure an effectual disavowal of that authority by the French consul, and to furnish the evidence to you. Supposing that Her Majesty's government were perfectly satisfied with this, you may judge of my extreme astonishment
[365] when I gathered from your note of the 1st instant that Her *Majesty's government, nearly two months afterward, was still entertaining doubts about the truth of this story, and had not during the long interval obtained the evidence to set the matter at rest. Had your lordship done me the favor to mention the doubt at any time, I flatter myself that I could have supplied the necessary proof to dispel that illusion. I could have pointed out the fact that M. Bravay, professing to act as the agent of the Pasha of Egypt, yet carefully abstaining from any communication with his alleged employer, had addressed himself instead to the Emperor of the French, to get the support of his embassy in England, in order to effect the transfer of the vessels from under the British authority. He was foiled in this attempt by the plain answer that the ships having a foreign destination the French agents had no authority to intervene with the British government to effect such a transfer. Not satisfied with making this answer, however, I am informed that the French government at once applied to the Viceroy of Egypt, in order to verify the correctness of M. Bravay's statement. The answer was what might naturally have been inferred—a complete disavowal of any share in the transaction. M. Bravay, on being applied to for a copy of any contract under which he could claim to act for the Pasha, was obliged to confess that he had none. But he then pretended that his agreement was verbal with a person who he was sure could not this time be confronted with him to prove his want of veracity—the late Pasha of the same country.

Such being the facts attending this extraordinary imposture, your lordship may judge of my surprise on learning from your note that on the 1st of September, "the inquiries set on foot by Her Majesty's government had failed to show that the statement of French ownership was without foundation." Furthermore that "there was no legal evidence against M. Bravay's claim, and that the responsible agent of the customs at Liverpool affirmed his belief that these vessels had not been built for the confederates." Lastly, that "upon these and other grounds

Her Majesty's government were advised that they could not interfere in any way with these vessels."

Under these circumstances, I trust, I may be pardoned if I was somewhat moved on perceiving that the peace of two great countries, and the lives of perhaps thousands of the people inhabiting them, were about to be seriously endangered by the acts of profligate and unscrupulous mischief-makers, whose operations were to be permitted by reason of the want of a scruple of technical evidence to prove a gross and flagrant fraud. With regard to the opinion of Her Majesty's customs agent at Liverpool, I had already had abundant cause to know the value of that in various preceding instances in which I have had occasion to address remonstrances against the notorious proceedings at that port. If Her Majesty's ministers look no further for proof to invalidate the evidence which I have had the honor to present, I can readily foresee what will be the issue. I respectfully submit that the interests of two nations are of too much magnitude to be measured by the infinitesimal scale of the testimony permissible before a jury in a common law court. I may be pardoned if I here remind your lordship of the significant language used in a parallel case in former days by that distinguished British statesman, George Canning, when he deprecated the consequence of "permitting the paltry, pettifogging way of fitting out ships in British harbors" to "sneak his country into a war." It may, indeed, well be that the inability to prevent some violations of neutrality in past instances which your lordship is candid enough to confess, may be regarded by the United States as proceeding from special causes, which ought not to impair confidence in the enforcement of a general policy of neutrality by Her Majesty's government; but I pray your lordship to consider what can be that security when all the barriers are virtually removed out of the way of an effective levying of war against them from this kingdom on the most formidable scale.

I feel it my duty to persist in the opinion that the evidence which I have had the honor to present to your attention in regard to the character and intent of the war-vessels fitting out at Liverpool is entitled to belief, at least so long as it is not rebutted by far stronger proof to the contrary than that held out by the unsupported word of a French commercial adventurer, proved to have been capable of prevarication, if not of absolute falsehood, or by the bare opinion of an official person probably entertaining a sympathy with the cause of the guilty parties. The very fact that resort has been had to such flimsy pretenses to prevent the detection of the true object seems to afford the strongest proof that that object is not a lawful one, and is the one pointed out in that evidence. All exterior circumstances go to confirm this view. The universal impression notoriously existing in Liverpool, the concurrent intimations of the press of the insurgent States, and the absence of any other suitable explanation, though not constituting in themselves
[366] technical evidence, are yet important adjuncts to that which *may fairly be classed under the definition. For myself, I must add that I entertain not a shadow of doubt that the substance of the evidence is true. If, then, there be any virtue in the authority upon which Her Majesty's government deliberately decided that the provisions of the enlistment act could be enforced, without the need of any amendment, surely is this a most fitting and urgent occasion upon which all the majesty of the law may be invoked to the end of establishing justice and maintaining peace.

In conclusion, I pray your lordship's attention to the fact that, in spite of the decision to which Her Majesty's government appear to have ar-

rived, and which you have done me the honor to communicate to me, I have reason to believe that no efforts are intermitted to prepare the war-vessels for immediate departure. Well acquainted as I am with the desperate character of the chief persons engaged in the insurrection in the United States, I shall be little surprised at learning of their resort to any and every expedient, however audacious or dishonest, which may have for its object the possession of these formidable ships.

I pray, &c.,

(Signed) CHARLES FRANCIS ADAMS.

No. 65.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *September* 18, 1863.

SIR: I am directed by Earl Russell to request that you will state to the lords commissioners of the admiralty, that, on the representation of Messrs Laird & Co., of Birkenhead, permission has been given to that firm to make a trial-trip with one of the iron-clad steamers now building by them.

This permission has been granted in full reliance on an engagement given in writing by Mr. Laird, that the ship shall, after the usual trial-trip, be brought back again to Liverpool, and shall not leave that port without a week's notice to Her Majesty's government of the intention to send her away.

The only apprehension, therefore, which can be felt under these circumstances, is, lest an attempt should be made, contrary to the intention of Messrs. Laird, to seize the vessel while making her trial-trip, and to carry her off; and Lord Russell desires me to submit, for the consideration of the board of admiralty, whether some effectual measures might not be taken under their lordships' sanction, and with the concurrence of Messrs. Laird, for insuring the return of the vessel to port after the trial trip is completed.

I am, &c.,

(Signed) E. HAMMOND.

No. 66.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *September* 19, 1863. (Received September 19.)

SIR: In reply to your letter of the 18th instant, requesting that measures may be taken for insuring the return to port of one of the iron-clad steam-vessels building by Messrs. Laird, after her trial-trip, I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that Rear-Admiral Dacres, now at Liverpool, has been directed to see Mr. Laird, and to arrange with him for the admission on board, during the trial, of a number of officers and men, including an engineer officer; the number of men so sent to depend on the report of Mr. Laird as to the complement of the ship upon the occasion.

Admiral Dacres has been desired to instruct the officer in command of the party not to interfere in any way with the trials, but to see that the ship returns to port the same day; and the admiral has further been directed to make the arrangement in a friendly spirit, and to carry them out as quietly as possible.

I am, &c.,
(Signed) W. G. ROMAINE.

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[367] *No. 67.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *September* 19, 1863.

SIR: I am directed by Earl Russell to request that you will state to the lords commissioner of Her Majesty's treasury that his attention has been attracted by statements in the public papers to the effect that a large body of seamen belonging to the confederate steamer Florida have arrived in Liverpool, which circumstance naturally gives rise to apprehension lest their appearance at that port should be connected with the supposed destination of the iron-clads for the service of the confederates.

In this state of things, without desiring in any way to throw a doubt on the intentions of the Messrs. Laird to fulfill, as far as may be in their power, the engagement that the iron-clad, for whose trial-trip permission has been sought and granted, shall be brought back to port after the trip is completed, Lord Russell cannot but feel anxious lest an attempt should be made, notwithstanding any opposition which may be offered by Messrs. Laird, to seize the vessel in the course of her trial-trip, and carry her off from British waters.

As such an occurrence would be contrary to the determination of Her Majesty's government, as expressed in Mr. Layard's letter of the 5th instant, that the iron-clads should be prevented from leaving the port of Liverpool until satisfactory evidence can be given as to their destination, Lord Russell is of opinion that Messrs. Laird should be forthwith apprised that the trial-trip cannot be allowed except under provision against any forcible abduction of the vessel.

With this view the board of admiralty have authorized Admiral Dacres, who is now in the Mersey, with the channel fleet, to place, with the concurrence of the Messrs. Laird, on board the iron-clad about to be tried, a sufficient force of seamen and marines in Her Majesty's naval service to defeat any attempt to run away with the vessel, and to insure to Messrs. Laird adequate support for carrying out their engagement to bring the vessel into port after the trial-trip is completed; and I am to request that a communication to the effect of this letter may be at once made to Messrs. Laird, with an intimation that, if they are not prepared to accept the protection thus offered to them, the custom-house authorities at Liverpool are enjoined absolutely to prohibit the trial-trip from being made.

I am, &c.,
(Signed) E. HAMMOND.

No. 68.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *September* 19, 1863.

SIR: I am directed by Earl Russell to transmit to you herewith, to be laid before the lords commissioners of the admiralty, a copy of a letter which I have addressed to the secretary of the treasury,[1] respecting a communication to be made to Messrs. Laird, of Liverpool, on the subject of the trial-trip proposed to be made by one of the iron-clad vessels now building by that firm; and I am to request that you will move their lordships to give instructions to Admiral Dacres in conformity with what is stated in the inclosed letter.

I am, &c.,
(Signed) E. HAMMOND.

No. 69.

Mr. Grey to Earl Russell.

PARIS, *September* 19, 1863. (Received September 20.)

MY LORD: I have the honor to inclose herewith to your lordship the copy of a dispatch from the minister of foreign affairs of the Vice-
[368] roy of Egypt to the United States *consul-general at Alexandra, on the subject of the iron-clad vessels now building at Birkenhead.

I have, &c.,
(Signed) W. G. GREY.

[Inclosure in No. 69.]

Cherif Pasha to Mr. Shayer.

ALEXANDRIE, *le* 8 *Septembre*, 1863.

M. LE CONSUL GÉNÉRAL: J'ai reçu la dépêche que vous m'avez fait l'honneur de m'addresser le 2 de ce mois pour m'informer que MM. Laird's occuperaint en ce moment de la construction de deux frégates cuirassées, qu'ils prétendraient être destinées au gouvernment de son altesse le vice-roi, et pour demander si ce gouvernment aurait réellement donné des ordres à cet effet.

En réponse, je viens vous informer, M. le consul général, que le dit gouvernment est entièrement étranger à la construction dont vous faites mention, et qu'il ne reconnaît d'ailleurs aucun commande de la nature de celle dont il s'agit.

Veuillez, &c.,
(Signé) CHERIF PASHA.

No. 70.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY,
September 20, 1863. (Received September 20.)

SIR: With reference to your letter of yesterday's date I am commanded by my lords commissioners of the admiralty to transmit here-

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[1] No. 67.

with, for the information of Lord Russell, the copy of a letter which has been addressed by their lordships' order to Mr. Reed, the chief constructor of the navy, directing him to inquire whether the owners of the two iron-clad vessels building in the yard of Messrs. Laird, at Birkenhead, are willing to sell the vessels to Her Majesty's government. I am also to transmit the copy of a letter addressed to the secretary of the Turkish embassy stating that, in the event of my lords becoming the purchasers of the vessels, they would be willing to hand them over to the agents of the Turkish government for the sums which may have been paid for them.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 70.]

The secretary to the admiralty to Mr. Reed.

ADMIRALTY, *September* 20, 1863.

SIR: I am commanded by my lords commissioners of the admiralty to signify their direction to you to put yourself in communication with Mr. Laird, and inquire of him whether the parties who ordered the two iron-clad vessels now in his yard are willing to sell them at the contract price agreed upon between them and Mr. Laird; and if so, whether he will state what the price is for the vessels when finished fit for sea.

If the price appears to my lords to be reasonable, you are to acquaint Mr. Laird that they will take into consideration the question of at once purchasing the vessels.

I am, &c.,
(Signed) W. G. ROMAINE.

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*[Inclosure 2 in No. 70.]

The secretary to the admiralty to Kahlil Effendi.

ADMIRALTY, *September* 20, 1863.

EFFENDI: I am commanded by my lords commissioners of the admiralty to acquaint you that they have received from the chief constructor of the navy a favorable report of the two iron-clad vessels building, and nearly completed, in the yard of Messrs. Laird, of Birkenhead.

As my lords have reason to believe that the question of purchasing these vessels has been under the consideration of the government of the Sublime Porte, my lords are desirous of informing his excellency the embassador extraordinary and plenipotentiary that they have directed inquiries to be made whether the owners are willing to sell the vessel at the price contracted for between them and the Messrs. Laird, and, if the price is a reasonable one, Messrs. Laird are to be informed that my lords would be willing at once to become the purchasers.

Should this negotiation terminate in their lordships becoming the owners of the vessels, they will, if such be the desire of the Turkish government, hand them over at once to their agents for the sums which may have been paid for them by Her Majesty's government.

A copy of the report of Mr. Reed, the chief constructor of the navy, is sent herewith.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 71.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *September* 21, 1863.

SIR: I am directed by Earl Russell to state to you the various circumstances of suspicion which make it necessary to detain the Birkenhead iron-clads till further evidence can be obtained.

They are, it must be remarked, clearly vessels of war of a most formidable kind. There is no pretense for urging they are intended as merchant-vessels.

Next, whom are they for?

At first it was pretended they were for the French government. The French consul was quoted as claiming one of them as French; and the first and only one which has been launched hoisted a French flag.

The embassador of France, the chargé d'affaires, and the French minister of foreign affairs declared that the French government had nothing to do with them.

Then it was pretended they were for the Pasha of Egypt, and M. Bravay was referred to as the owner.

It is true that M. Bravay asked the Viceroy of Egypt to take them, saying they had been ordered verbally by the late Viceroy. But this was probably a blind.

It appears from a report of Captain Hore, naval attaché at Paris, that several vessels of war are building in French ports, and when Captain Hore asked who they were for, the person he asked answered with a smile, "They are said to be for the Pasha of Egypt."

Is it credible that the late Pasha, extravagant as he was, should have ordered a formidable squadron of iron-clad ships here and in France, without leaving any document to prove it? However that may be, the present Pasha has repudiated the bargain altogether.

Had the transaction been genuine, M. Bravay would certainly then have relaxed the speed of the builders till he could find another purchaser. Far from this, the men are working extra hours in order to complete the vessels.

It is reported also that a crew from the Florida is on its way to Liverpool.

Lord Russell thinks that in any common case of felony or misdemeanor these circumstances of suspicion would justify the detention of the person accused. In the present case they surely justify the detention of these formidable men-of-war till more evidence can be procured.

I am, &c.,
(Signed) E. HAMMOND.

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[370] *No. 72.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *September* 21, 1863. (Received Septemer 21.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter, dated the 20th instant, from Rear-Admiral Dacres, stating that Mr. Laird has consented to postpone the contemplated trial of the iron-clad ship at Liverpool, and to give due notice when it may take place.

I am, &c.,
(Signed) GEO. ROMAINE.

[Inclosure in No. 72.]

Rear-Admiral Dacres to the secretary to the admiralty.

EDGAR, *London, September* 20, 1863.

SIR: With reference to your letters of the 19th instant, confidential, referring to the proposed trial of Messrs. Laird Brothers' iron-clad vessel now in the Mersey, I have the

honor to request you will be pleased to inform the lords commissioners of the admiralty that I have this afternoon had a personal interview with Messrs. Laird, and have telegraphed the result to you as follows:

"I have seen the builders, who have most readily agreed to postpone the trial of the iron ship, to give due notice when it will take place, and then to adopt any precautionary measures considered necessary by the government."

I have, &c.,
(Signed) S. C. DACRES.

No. 73.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
September 21, 1863. (Received September 21.)

SIR: With reference to the previous correspondence respecting the iron-clads building at Birkenhead, I am desired by the lords commissioners of Her Majesty's treasury to transmit, for the information of Earl Russell, copy of a letter from the commissioners of customs, dated the 21st instant, and of its inclosure from the Messrs. Laird Brothers, dated the 18th instant.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 73.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *September* 21, 1863.

SIR: I am directed to state that at 8.30 on Saturday evening, in compliance with directions received at his private residence from you, (through Mr. Welby,) Mr. Goulburn, deputy chairman of this board, forwarded a telegram to the collector of Liverpool, of which the following is a copy:

"See Messrs. Laird first thing to-morrow morning. Ascertain whether they will comply with conditions of treasury letter sent to them to-night. If not, detain the iron-clad, and on no account allow the trial-trip."

At 9.30 on Sunday (yesterday) morning Mr. Goulburn received from the collector the following message:

"I got the necessary guarantee yesterday evening, and sent it you by post. Mail is right."[1] (A copy of Messrs. Laird's letter is annexed.)

Fearing there might be some misunderstanding, from the wording of this message, which seemed to refer to the former arrangement with respect to the iron-clad,
[371] and not *to the new conditions laid down in the treasury letter of Saturday, and which could only have been received by Messrs. Laird that same morning, and in case Messrs. Laird might decline to show the treasury letter to Mr. Edwards, (the collector,) Mr. Goulburn thought it better to forward, at 10.45, another message, of which the following is a copy:

"Your telegram just received. Mine of last night referred to new conditions in treasury letter only received by Messrs. Laird this morning. A force of seamen and marines to be placed on board iron-clad by admiral. Unless this is done, you must detain and not allow the trial-trip,"

And Mr. Goulburn received an acknowledgment of this last message in the following terms:

"I have seen the parties. Ship not ready for trial. Builders gladly adopt such precautionary and[2] as may be considered necessary for the protection of ship; and will give ample notice so as to provide the hands."

Which, it is presumed, the lords commissioners of Her Majesty's treasury will consider satisfactory; and I am to signify the request of the board to be favored with their lordships' approval of Mr. Goulburn's proceedings.

I am, &c.,
(Signed) F. G. GARDNER.

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[1] *Sic. in orig.* Query, to-night.

[2] *Sic in orig.*

[Inclosure 2 in No. 73.]

Messrs. Laird Brothers to Mr. Edwards.

BIRKENHEAD IRON-WORKS, *Birkenhead, September* 18, 1863.

SIR: We beg to acknowledge receipt of your letter of the 17th instant, informing us that the lords commissioners of Her Majesty's treasury will allow the trial-trip to be made by the vessel referred to in our letter of the 8th instant, relying upon the honorable engagement which has been given by us that the ship shall, after the usual trial-trip, be brought back again to Liverpool, and shall not leave that port without a week's notice to Her Majesty's government of the intention to send her away.

This engagement was made under the circumstances set forth in our previous correspondence, and we now therefore beg to confirm the same; and are, &c.,

(Signed) LAIRD BROS.

No. 74.

Mr. Hammond to Mr. Bruce.

FOREIGN OFFICE, *September* 23, 1863.

SIR: The attention of Secretary Sir George Grey may have been attracted by paragraphs which have recently appeared in the public papers to the effect that a large body of seamen, forming part of the crew of the confederate steamer Florida, now repairing at Brest, lately arrived from that port at Cardiff, from whence they have proceeded to Liverpool, where, as far as anything has appeared to the contrary, they now are.

It is difficult to disconnect the appearance of these seamen at Liverpool with the suspicion which has been entertained that the iron-clad vessels building by Messrs. Laird are designed for the confederate service, and this circumstance affords additional reason for watching most closely all that takes place in regard to those vessels.

The point to which Lord Russell would now wish more particularly to call Sir George Grey's attention is, whether these seamen, in so far as they may be subjects of Her Majesty, are not liable to be proceeded against for misdemeanor, either as having engaged in hostilities against a state in amity with Her Majesty, or as forming part of a body of persons enlisted in the service of a belligerent engaged in hostilities against such a state; and Lord Russell would submit, for Sir George Grey's consideration, whether the opinion of the law-officers of the Crown should not forthwith be taken on this point, with the view, if it should be in the affirmative, of determining as to the propriety of
[372] taking proceedings against any of the parties in *regard to whom sufficient evidence can be obtained to bring them within the provisions of the law.

I am, &c.,

(Signed) E. HAMMOND.

No. 75.

Mr. Grey to Earl Russell.

PARIS, *September* 22, 1863. (Received September 23.)

MY LORD: I have the honor to transmit herewith to your lordship Captain Hore's dispatch of this day's date, reporting an interview which

he has had with M. Bravay on the subject of the iron-clad vessels building at Birkenhead.

I have, &c.,
(Signed) W. G. GREY.

[Inclosure 1 in No. 75.]

Captain Hore, R. N., to Mr. Grey.

PARIS, *September* 22, 1863.

SIR: I had an interview, this morning, with M. Bravay on the subject of the iron-clads at Liverpool.

M. Bravay, apparently very frankly, showed me a number of his papers relating to these vessels, and I have the honor to inclose a copy of the deed of release, by Messrs. Laird & Co., to Mr. Bullock, who is an American of the Confederate States, of his contract for the construction of the ships in question. This release, according to one of the recitals, appears to have been given in consideration of the sale of the said ships to MM. Bravay & Co. upon terms therein mentioned.

The following is the statement that M. Bravay gave me of his connection with these vessels, to support which he showed me his correspondence-book, which is a bound one, and the letters relating to this affair, many in number, are interspersed, according to date, with those on other business.

In December last year he received a commission from the late Pasha of Egypt to provide two iron-clad vessels. Finding that vessels could be built cheaper in England than in France he applied to Messrs. Laird, specifying what he wanted, and asking what time would be necessary to construct them. He received a reply that two years would be required. He desired to complete his transaction sooner, and, after some correspondence, Messrs. Laird, in May last, stated that they had two vessels nearly completed for the agents of the confederate government, who, as they seemed to think some difficulty might be put in the way of their putting to sea, were willing to dispose of them, and accordingly the sale took place.

M. Bravay assured me that it was a *bona fide* transaction.

Before I mentioned that the British government might be inclined to purchase these vessels, he stated that he had received, only this morning, an offer to purchase them from the Russian government; also, that a few days ago he had received a letter from Captain Blakely, who is providing their armament, saying that the Danish government were anxious to have them.

He had replied that he was bound, by his last arrangement with the present Pasha, not to sell them until the designs, or perhaps even the vessels themselves, had been presented for his final approval or rejection. In the latter case the Pasha had promised to use all his influence to induce the Turkish government to take them.

On my mentioning that the British government might be inclined to purchase them he replied that he should be very glad to sell them, but until he had the definite answer from the Pasha he considered himself bound to retain them. He told me that they were looking for French captains to command them, and that he could prove his title to them, should there be any difficulty.

His other accounts of his transactions agreed with those that Mr. Colquhoun has reported that he had received from M. Bravay.

I may remark that Bullock is the name of the person who, I was informed at Bordeaux, was the agent for the vessels building there for the Confederate States.

I have, &c.,
(Signed) E. HORE.

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[373] *[Inclosure 2 in No. 75.]

Deed of release between Messrs. Laird and Mr. Bullock.

To all to whom these presents shall come, we, James Dunwoody Bullock, and William Laird, the younger, John Laird, the younger, and Henry Hyndman Laird, carrying on business at Birkenhead as ship-builders, under the style of Laird Brothers, send greeting:

Whereas by a contract dated the 1st day of July last, and made between the said William Laird, the younger, on behalf of his said firm of the one part, and the said James Dunwoody Bullock of the other part, it was witnessed that for the consideration therein mentioned, the said Laird Brothers agreed to build, and the said James Dunwoody Bullock agreed to purchase and pay for, two iron screw steam-vessels. And whereas the said two several ships have been partly built and partly paid for, and, while in an

unfinished state, the said James Dunwoody Bullock has effected a sale thereof to Messrs. A. Bravay & Co., on terms that the said Laird Brothers are to retain the moneys already paid to them on account of the said ships by the said James Dunwoody Bullock, amounting to the sum of £150,000, and are also to receive the further moneys to be paid by the said James Dunwoody Bullock on the completion of the said several ships. And whereas by reason of this sale and arrangement, the said James Dunwoody Bullock will cease to have any further pecuniary interest in the said several ships and in the completion thereof, and the said Messrs. A. Bravay & Co. are also desirous that the said James Dunwoody Bullock should cease to have any legal interest therein; and the said Laird Brothers, being satisfied with the security of the said Messrs. A. Bravay & Co. for payment of the moneys to hereafter become due in respect of the same, and mutual agreements and arrangements having been perfected between them, the said parties, hereto to this effect, they have thereupon agreed mutually to discharge and release each other, and every of them, from the terms of the said contract of the said 1st day of July last:

Now know ye that, in consideration of the premises, and for the purpose of ending and making void the said contract, the said James Dunwoody Bullock does hereby, for himself, his heirs, executors, and administrators, remise, release, and forever quit, claim, and discharge unto the said William Laird, the younger, John Laird, the younger, and Henry Hyndinan Laird, their and every of their heirs, executors, and administrators. And the said William Laird, the younger, John Laird, the younger, and Henry Hyndinan Laird, do hereby severally and respectively, for themselves and their heirs, executors, and admistrators, remise, release, and forever quit, claim, and discharge unto the said James Dunwoody Bullock, his heirs, executors, and administrators, all and every action of suit, cause or causes, action or suit, claim and demand whatsoever which has heretofore arisen, or can, shall, or may hereafter arise out of or in consequence of the said recited contact of the 1st day of July last, or of any clause or agreement therein contained.

In witness whereof the said parties to these presents have hereunto set their hands and seals this 18th day of June, 1863.

(Signed) JAMES D. BULLOCK. [L. S.]
WILLIAM LAIRD, JUN. [L. S.]
HENRY H. LAIRD. [L. S.]

Cet acte a été signé en ma présence par le soussigné.
Paris le 18 Juin 1863.
(Signé) J. A. THEVELL.

Signed, sealed, and delivered by the said John Laird, the younger, in the presence of
(Signed) JOHN FLETCHER, *Solicitor, Liverpool.*

No. 76.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
September 23, 1863. (Received September 23.)

SIR: With reference to the previous correspondence on the subject of detention of the iron-clad vessels building at Birkenhead, I am desired by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, *copy of a letter [374] of this day's date, addressed by their lordships to the commissioners of customs.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 76.]

Mr. Hamilton to the commissioners of customs.

TREASURY CHAMBERS, *September* 23, 1863.

GENTLEMEN: With reference to the communication from this board of the 21st instant, respecting precautionary measures to be adopted on the occasion of the trial

trip of the iron-clad vessel building at Birkenhead, and which has formed the subject of recent correspondence, I am desired by the lords commissioners of Her Majesty's treasury to state that they think it desirable, in order to avoid any misconception by you as to the course of proceeding which devolves upon you in reference to this matter, to request that it may be explicitly and strongly impressed upon your collector at Liverpool that the instructions from this board, of the 5th instant, for the detention of the two iron-clad steamers in course of construction by Messrs. Laird, hold good, in whatever hands the vessels may be, until such time as these instructions shall have been officially revoked; and that he must take care to have the means of enforcing and acting upon them; and that the only modifications as regards these instructions is, that the trial-trip may be made under the assurance given by Messrs. Laird that the ship shall, after the trial-trip, be brought back again to Liverpool, and shall not leave that port without a week's notice to Her Majesty's government of the intention to send her away; and further, that, for the reasons explained in the communication to you of the 21st instant, the trial-trip shall not be allowed to take place without the protection of marines and seamen which the admiralty has offered to Messrs. Laird, and which they have accepted.

I am, &c.,
(Signed) GEO. A. HAMILTON.

No. 77.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *September* 25, 1863.

SIR: I have had the honor to receive your letters of the 16th and 17th of September.

As the whole question is under the consideration of Her Majesty's government, and the orders given not to permit the iron-clads to leave Liverpool until further inquiry has been made seem to be sufficient for the purpose of the present moment, I will delay any answer to these letters till the facts have been more fully ascertained.

It is right to inform you that upon receiving assurances, which the treasury consider satisfactory, that the vessel shall be returned to Birkenhead, the Messrs. Laird have been permitted to make a trial-trip with the vessel which is the most advanced.

I can assure you that I am not less anxious than yourself that the duties of neutrality should be performed strictly and impartially by the government of Great Britain.

There are, however, passages in your letter of the 16th, as well as in some of your former ones, which so plainly and repeatedly imply an intimation of hostile proceeding toward Great Britain on the part of the Government of the United States, unless steps are taken by Her Majesty's government which the law does not authorize, or unless the law, which you consider as insufficient, is altered, that I deem it incumbent upon me, in behalf of Her Majesty's government, frankly to state to you that Her Majesty's government will not be induced by any such consideration either to overstep the limits of the law or to propose to Parliament any new law which they may not, for reasons of their own, think proper to be adopted. They will not shrink from any consequences of such a decision.

I am, &c.,
(Signed) RUSSELL.

[375] * No. 78.

The secretary to the treasury to Mr. Hammond.

TREASURY CHAMBERS,
September 25, 1863. (Received September 25.)

SIR: With reference to the previous correspondence respecting the iron-clad vessels building at Birkenhead, I am desired by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, copy of the inclosures to a letter received from the commissioners of customs, dated the 24th instant.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 78.]

Mr. Goulburn to Mr. Edwards

[Telegraphic.]

SEPTEMBER 19, 1863.

See Messrs. Laird first thing to-morrow morning. Ascertain whether they will comply with condition of treasury letter sent to them to-night. If not, detain iron-clad; on no account allow trial-trip.

Write by post to me here, stating proceedings.

[Inclosure 2 in No. 78.]

Mr. Goulburn to Mr. Edwards.

[Telegraphic.]

SEPTEMBER 20, 1863.

Your telegram of this morning just received. Mine of last night referred to new conditions in treasury letter only received by Messrs. Laird this morning.

A force of seamen and marines is to be placed on board iron-clad by admiral. Unless this is done you must detain and not allow trial-trip.

Acknowledge receipt.

[Inclosure 3 in No. 78.]

Mr. Edwards to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool September* 22, 1863.

HONORABLE SIRS: I beg to report that I received telegram No. 1, from the deputy-chairman, Mr. Goulburn, on Saturday night, the 19th instant, at half past 10 o'clock, relative to the iron-clad vessels now being built by Messrs. Laird; to which I replied by telegraphic message sent on Sunday morning, at 7.45, to the private residence of the deputy chairman.

At 12.30 on Sunday I received message No. 2, upon which I went to Birkenhead, and saw Messrs. Laird at the residence of their father, the member. I found that the letter from the treasury to which the telegram referred had not been opened, it not being the practice of the house to open business letters on Sunday.

On seeing the letter from the treasury, I then discovered the full meaning of the communication, which was that the government entertained no doubt but that Messrs. Laird would honorably carry out their guarantee not to let the vessels leave the port without the sanction of the government, but that they apprehended that forcible possession might be taken of the vessel during a trial-trip which it was supposed would have taken place yesterday; hence directions had been sent to Admiral Dacres to place a sufficient number of men on board to protect her during the trip and to see her safely back into the dock. The vessel, however, is not yet ready for a trial-trip, nor will she be for a week or so, and it is not certain that any such trip will be made if the machinery can be tested in the dock.

In the event, however, of the vessel now nearly ready (for there are two) being tried at sea, the builders have pledged themselves to give me sufficient notice to enable me to communicate with the board on the subject; and the board may be satisfied
[376] * that they shall receive intimation immediately anything on the matter comes to my knowledge.

(Signed) S. PRICE EDWARDS,
Collector.

No. 79.

Ma. Hammond to the secretary to the treasury.[1]

FOREIGN OFFICE, *September* 26, 1863.

SIR: I am directed by Lord Russell to transmit to you, to be laid before the lords commissioners of Her Majesty's treasury, a copy of a private letter from the Honorable W. Grey, chargé d'affaires,[2] at Paris, and its inclosures, relative to the iron-clad vessels at Birkenhead. Mr. Grey's inquiries were made in consequence of a desire expressed by Lord Russell that M. Bravay should be asked by Captain Hore whether he was disposed to sell the iron-clads now building at Birkenhead to the British government.

I am, &c.,
(Signed) E. HAMMOND.

No. 80.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 24. (Received September 26.)

MY LORD: I am credibly informed that seventy or more of the men belonging to the insurgent vessel the Florida, formerly the Oreto, nearly all of them British subjects, have been sent over from Brest, and are now in Liverpool. They were provided with a letter to the person acting on behalf of the insurgents at Liverpool, a copy of which is herewith transmitted. I need not point out to your lordship the fact that the last sentence implies habitual action in direct violation of the law of the realm; such, indeed, as if committed by any agent of the United States would be likely to attract the immediate notice of Her Majesty's government. It corroborates all the evidence heretofore presented by me on the same subject. I have further reason to believe that under this sentence is intended a transfer of many of these men to one of the iron-clad war vessels now in preparation at Liverpool, with intent to carry on war against the United States. It is known to me that the intention to dispatch that vessel is not yet abandoned by the parties concerned in the enterprise.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

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[1] A similar letter was addressed to the admiralty. [2] No. 75.

[Inclosure in No. 80.]

Commander Maffit to Captain Bullock, C. S. N.

FLORIDA, *Brest, September* 3, 1863

SIR: Herewith I send you a list of men discharged from the Florida, with their accounts and discharges. Many of them have asked for transfers, and others for reference to you or to a confederate agent. I would request you to provide them situations in the service.

I have, &c.,
(Signed) J. N. MAFFITT.

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[377] *No. 81.

Mr. Hammond to Mr. Bruce.

FOREIGN OFFICE, *September* 26, 1863.

With reference to your letter of the 24th ultimo, I am directed by Earl Russell to transmit to you, to be laid before Sir George Grey, the accompanying copies of a letter, and its inclosure, from Mr. Adams, relative to the crew of the Florida.[1]

I am, &c.,
(Signed) E. HAMMOND.

No. 82.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
September 28, 1863. (Received September 28.)

SIR: With reference to the correspondence respecting the iron-clad vessels building at Birkenhead, I am desired by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, a copy of a letter from the commissioners of customs dated the 24th instant.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 82.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *September* 24, 1863.

SIR: With reference to the order of the lords commissioners of Her Majesty's treasury, dated the 23d instant, respecting the iron-clad vessels fitting at the premises of Messrs. Laird at Birkenhead, and the conditions on which the trial trip of one of the said vessels may be allowed, I am desired to acquaint you that directions have been given by the board to their collector at Liverpool to govern himself strictly by the instructions contained in their lordships' order.

I am, &c.,
(Signed) F. G. GARDNER.

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[1] No. 80 and inclosures.

No. 83.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
September 28, 1863. (Received September 28.)

SIR: With reference to the previous correspondence respecting the iron-clads building at Birkenhead, I am desired by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, a copy of a letter from the commissioners of customs, dated the 26th instant, and of its inclosure, dated the 25th instant.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 83.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *September* 26, 1863.

SIR: With reference to my letter of the 24th instant, stating the directions given by the board to the collector of this revenue at Liverpool, in pursuance of the order
[378] of the lords commissioners of Her Majesty's treasury of the preceding day *respecting the iron-clad vessels fitting at Birkenhead, I am directed to transmit, for the information of their lordships, the inclosed copy of a report of the collector, dated the 25th instant, on the subject.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 83.]

Mr. Edwards to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, September* 25, 1863.

HONORABLE SIRS: On the receipt of your order of the 23d instant, and that of yesterday's date, respecting the iron-clad vessels fitting at the premises of Messrs. Laird, Birkenhead, and the conditions on which the trial trip may be allowed, I have to state that I, yesterday, saw one of the members of the firm, Mr. John Laird, jr., and showed him the directions of the treasury and the board bearing date the 23d instant.

These gentlemen are quite ready and willing to abide by all the conditions required with reference to the iron-clads, which are, first, that no trial trip shall take place until a sufficient force of marines and seamen are placed on board; and, secondly, that I shall have sufficient notice when either of the vessels is ready and fit to be given up to their owners, to obtain your honors' directions regarding them before they pass out of their custody; and I may observe further that the board need entertain no uneasiness as to the honorable carrying out of the conditions imposed by the government on the builders, who have already consented, in writing, to abide by these conditions.

I am, &c.,
(Signed) S. PRICE EDWARDS.

No. 84.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, September 29, 1863. (Received September 29.)

MY LORD: I have the honor to acknowledge the reception of your note of the 25th instant. I shall take pleasure in transmitting a copy to my Government.

I must pray your lordship's pardon if I confess myself at a loss to perceive what portions of my late correspondence could justify the implications to which you refer. So far from intimating "hostile proceedings toward Great Britain unless the law which I consider as insufficient is altered," the burden of my argument was to urge a reliance upon the law as sufficient, as well from the past experience of the United States as from the confidence expressed in it by the most eminent authority in the kingdom.

Neither do I find any ground for the other implication. It is very true that I have deeply regretted the supposition that Her Majesty's government should admit itself powerless to execute any of those obligations which are recognized by the consent of civilized nations, as well as the faith of treaties to be binding equally upon all; and I have taken the liberty to point out the consequences which follow that inability, in the absolute necessity imposed upon an aggrieved party to defend itself from the worst of injuries. This is the principle which I have been directed to maintain, not from any idea of presenting any form of condition whatever to Her Majesty's government, but from a confident expectation that an address to its sense of right may avail to gain for the United States exactly the same measure of justice which it would expect from that country in return were the respective situations reversed.

If in any respect I have appeared to transgress the line of argument here laid down, I pray your lordship to consider the fault as one not of intention on my part, and not at all belonging to my Government.

In transmitting your lordship's note without further comment, I shall hope to be able to submit the question in what degree its sentiments may have been in any particular misinterpreted by me.

I trust that it is unnecessary for me to make any assurances
[379] to your lordship of * the earnestness with which I have ever striven to maintain to the utmost of my power the relations of amity and good-will between the two countries.

I pray, &c.,

(Signed) CHARLES FRANCIS ADAMS.

No. 85.

Mr. Stuart to Earl Russell.

WASHINGTON, *September* 8, 1863. (Received September 30.)

MY LORD: As Mr. Seward was absent at a cabinet council, which might detain him for some hours, when I called at the State Department shortly after the arrival of the mail from Europe this morning, I saw Mr. Frederick Seward, the Assistant Secretary of State, and told him that I was authorized to inform him, confidentially, that orders had been issued, on the 5th instant, by Her Majesty's government, to prevent the departure from the Mersey of the two iron-clad steamers which were supposed to be intended for the service of the government of the so-called Confederate States.

I stated that these orders had been issued previously to the receipt by your lordship of Mr. Adams's note of the same date, and I further begged him to inform Mr. Seward that Her Majesty's government had ordered the detention of the vessels in question at their own risk, although there was some reason to believe that they had been built upon an order

neither proceeding from nor connected with the confederate government; that it might possibly have latterly been intended to transfer them to that government, but that, even if such was the case, there may be difficulty in obtaining any legal proof thereof.

I added that it was the determination of Her Majesty's government to do whatever may be advised by legal authority to be proper and justifiable for the enforcement of the municipal law.

I have, &c.,
(Signed) W. STUART.

No. 86.

Earl Russell to Mr. Colquhoun.

[Telegraphic.]

FOREIGN OFFICE, *October* 1, 1863.

In answer to offers made for the purchase of the iron-clad vessels, M. Bravay declared that he was bound by his last arrangement with the present Pasha of Egypt not to sell them until the designs or even the vessels themselves had been presented to the Pasha for his final approval or rejection. He states, moreover, that the Pasha had promised to use all his influence to induce the Porte to purchase them if he declined to take them himself.

Ascertain what is the state of the case.

No. 87.

Earl Russell to Lord Napier.[1]

[Telegraphic.]

FOREIGN OFFICE, *October* 1, 1863.

M. Bravay, of Paris, the ostensible owner of the iron-clad steam-vessels now building at Liverpool, states that he has received an offer from the Russian and Danish governments for the purchase of those vessels.

Please ascertain immediately whether any such offer has been made, and, if so, what answer has been received from M. Bravay.

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[380] *No. 88.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 2, 1863. (Received October 2.)

SIR: I am commanded by the lords commissioners of the admiralty to transmit herewith copy of a letter from M. Bravay & Co., requesting permission for the completion of the two iron-clad steamers building at

[1] A similar telegram was addressed to Sir A. Paget.

Birkenhead, in the yard of Messrs. Laird, and I am to state, for the information of Earl Russell, that my lords have taken no step to hinder the completion of the two vessels in question.

All that has been done, as Lord Russell is aware, is that orders were sent to Rear-Admiral Dacres to put on board one of these vessels about to make a trial-trip, with the consent of Messrs. Laird, a sufficient force of seamen and marines to insure her return to port after the trial. These orders were continued to the captain of the Liverpool frigate; and now that she has been ordered to leave the Mersey, the same orders have been given to the captain of the Majestic.

My lords have not sent any answer to Messrs. Bravay, but they propose to inform them to the above effect.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 88.]

Messrs. Bravay & Co. to the lords commissioners of the admiralty.

MILORDS: M. le capitaine Hore, attaché à l'ambassade de Sa Majesté Britannique à Paris, s'est présenté chez nous pour nous demander quelques explications au sujet de deux navires cuirassés, que nous faisons construire à Birkenhead dans les ateliers de MM. Laird frères.

Le gouvernement anglais ayant conçu quelques soupçons que ces navires pourraient avoir une autre destination que l'Égypte, nous nous sommes empressés de donner non-seulement les explications demandées, mais nous avons loyalement offert les preuves, par nos livres et autres documents, que ces navires sont pour le gouvernement égyptien, et nous avons la ferme confiance que sa conviction a été complète à cet égard.

Nous venons vous prier, MM. les Lords, de nous permettre de compléter l'armement de nos navires, et de vouloir bien donner des ordres en conséquence, vu leur état d'achèvement, pour qu'aucun retard ne soit apporté à leur libre et prompte exécution.

Veuillez, &c.,
(Signé) BRAVAY & CIE.,
6 *Rue de Londres.*

No. 89.

Mr. Grey to Earl Russell.

PARIS, *October* 2, 1863. (Received October 3.)

MY LORD: I have the honor to transmit herewith to your lordship a dispatch from Captain Hore, of this day's date, reporting his conversation with M. Bravay on the subject of the iron-clad vessels built at Birkenhead.

I have, &c.,
(Signed) W. G. GREY.

[Inclosure in No. 89.]

Captain Hore, R. N., to Mr. Grey.

PARIS, *October* 2, 1863.

SIR: I have had another conversation with M. Bravay; he insists that his connection with the iron-clad vessels at Liverpool is *bona fide*. He refuses to treat with
[381] any one *for the sale of them until the Pasha of Egypt refuses to receive them at Alexandria. If the Pasha does refuse them, he then would be ready to sell to the power that would give him most money, he being a merchant, and not a politician.

He says he can and will, if necessary, prove his claim and right to send them to Alexandria, and it is indifferent to him what means Her Majesty's government may take to ascertain their destination, even to the point of convoying them.

He showed me the answer he wrote to Messrs Laird, dated 30th September, who informed him that the treasury had refused to permit the trial to take place without the presence of an armed force on board to prevent any *coup de main* against them being attempted.

The captain and chief engineer were in M. Bravay's house while I was there. They start to-morrow for Liverpool.

He told me that Nubar Pasha could furnish a copy of the list of the articles that he has agreed to furnish to the present Pasha.

From M. Bravay's manner I believe his great desire is to get the vessels clear, and I think he is determined to do so by all possible means.

I have, &c.,
(Signed) E. HORE.

No. 90.

Sir A. Paget to Earl Russell.

[Telegraphic.]

COPENHAGEN, *October* 3, 1863—3 p. m.
(Received October 3—5.45 p. m.)

The Danish government inform me that they have had no communication whatever with M. Bravay. Minister of marine desired his agent in England to ascertain if the iron-clads were for sale, and the reply of the builders was in the negative.

I am told, however, that an English gentleman called to-day on the minister of marine and inquired if he was still disposed to buy the ships. He said that, in that case, as he was going to Paris, he would speak to M. Bravay on the subject. The minister of marine did not give a positive answer, but he is going to see the gentleman again, and seems inclined to purchase the vessels.

No. 91.

Lord Napier to Earl Russell.

[Telegraphic.]

ST. PETERSBURG, *October* 3, 1863. (Received October 3.)

Prince Gortchakoff assures me that the Russian government have no dea whatever of purchasing the vessels referred to in your telegram.

No. 92.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *October* 4, 1863.

SIR: I have laid before Earl Russell your letter of the 2d instant, inclosing a copy of a letter from Messrs. Bravay & Co., asserting that they are the proprietors of the iron-clads now constructing by Messrs.

Laird, of Birkenhead, and requesting the permission of the board of admiralty to complete them; and I am to request that you will state to the lords commissioners of the admiralty that Lord Russell is of opinion that their lordships' answer to Messrs. Bravay & Co. should be confined to referring them to the secretary of state for foreign affairs as the authority to whom they should address any communication which they may wish to make to Her Majesty's government on the subject of those vessels.

I am, &c.,
(Signed) E. HAMMOND.

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[382] *No. 93.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 5, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 29th September, in answer to mine of the 25th of that month, and I am very glad to find that I had misunderstood you, and that the passages in your correspondence which had led to my observations were merely intended by you to express your confidence that the sense of right on the part of Her Majesty's government would avail to gain for the United States exactly the same measure of justice which it would expect from the United States in return, were the respective situations reversed.

I am, &c.,
(Signed) RUSSELL.

No. 94.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 5, 1863. (Received October 5.)

SIR: With reference to your letter of yesterday, I am commanded by my lords commissioners of the admiralty to send you herewith copy of the letter of this day addressed to Messrs. Bravay, the alleged owners of the two iron-clad vessels under construction by Messrs. Laird, at Birkenhead, in answer to their application to be allowed to complete the vessels.

A duplicate of the letter to Messrs. Bravay is inclosed, with the view to its being forwarded to the care of Captain Hore, in Paris, if thought proper.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 94.]

The secretary to the admiralty to Messrs. Bravay & Co.

ADMIRALTY, *October* 5, 1863.

GENTLEMEN: Having laid before my lords commissioners of the admiralty your letter, without date or address, stating that you are the proprietors of the two iron-clad vessels under construction by Messrs. Laird, of Birkenhead, and requesting the permission of the board of admiralty to complete them, I am commanded by their lordships to

acquaint you that the secretary of state for foreign affairs is the authority to whom you should address any communication that you may wish to make to Her Majesty's government on the subject of these vessels.

Not knowing your address, this letter will be sent to the care of Messrs. Laird, at Birkenhead.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 95.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 5, 1863. (Received October 5.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter this day addressed to the senior officer of Her Majesty's ships at Liverpool, directing him to render assistance to the custom-house officers to compel the detention of the iron-clad vessels building by Messrs. Laird, at Birkenhead, if called upon by the said officers to do so.

I am, &c.,
(Signed) W. G. ROMAINE.

]383] *[Inclosure in No. 95.]

The secretary to the admiralty to Captain Inglefield.

ADMIRALTY, *October* 5, 1863.

SIR: I am commanded by my lords commissioners of the admiralty to acquaint you that they have been informed that a crew of sixty men, supposed to be intended for one of the iron-clad vessels building in the yard of Messrs. Laird, at Birkenhead, is collected at Liverpool or Birkenhead; that a captain and chief engineer for one of these ships have also arrived at Liverpool, and that it is possible some attempt may be made to get one of these vessels to sea.

The custom-house officers have received orders, under certain specified circumstances, to detain either or both of these vessels.

Should you be called upon by the custom-house officers for assistance to enable them to compel the detention of the vessels, my lords desire that you will at once render it.

I am, &c.
(Signed) W. G. ROMAINE.

No. 96.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 7, 1863. (Received October 7.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter, dated the 6th instant, from Captain Inglefield, the senior officer of Her Majesty's ships at Liverpool, relative to the iron-clad vessels built by Messrs. Laird, at Birkenhead.

My lords request to be furnished with clear instructions as to the answer to be given to the questions asked by Captain Inglefield, viz: If he is to be held responsible for the detention of the iron-clads in the Mersey until formal permission shall have been granted by the admiralty for their departure; and, should this be so, whether, in case the vessels should appear in the Mersey under French colors, he is to con-

sider them still under the same restrictions as when virtually in the hands of an English ship-builder.

A copy of Captain Inglefield's letter has also been sent to the treasury.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 96.]

Captain Inglefield to Commodore Ryder.

MAJESTIC, *Rock Ferry, October* 6, 1863.

SIR: With a view toward carrying out the confidential instructions you forwarded to me from the secretary of the admiralty on the 3d instant, and in compliance with a telegram received by the collector of customs on the 5th instant, by which he is directed to communicate with the naval authorities at this port in the matter of the iron-clads, I have this morning had an interview with Mr. Stewart, assistant collector, who is officiating for Mr. Price Edwards during his absence on leave.

The following facts present themselves:

1st. From an inspection I made yesterday of the iron-clad now in the great float and rapidly preparing for sea, I have arrived at the conclusion that, though not complete in her equipment, she is nevertheless in a sufficiently forward state to be quite available for the service for which it is presumed she is destined, and at any moment she might become the property of those for whom she is ordered; she has, moreover, about 120 tons of coal on board.

2dly. I find that neither existing orders nor the rules of the port preclude this vessel from coming out of the great float (at any time between half flood and half ebb) with the nominal intention of anchoring in the stream or mooring round Messrs. Lairds' fitting-basin.

[384] *3dly. Upon the best authority I know that the custom of the Messrs. Laird, as regards the delivery of a vessel ordered from their firm is to transfer such a vessel to the owners on payment of the contract price when the vessel is anchored in the Mersey.

4thly. Under these circumstances, I conceive the possibility, where such large interests are at stake, that an attempt might be made to carry the vessel in question out of British waters by force; and, as far as I can learn, no infringement of the port regulations would be caused thereby, excepting such as was with impunity incurred by the Alabama, and then the object anticipated in the letter of the 19th September, from Mr. Hammond to the secretary of the treasury, would be carried out.

The custom-house authorities having placed their means entirely at my disposal, I have organized a system of espionage which cannot fail to give me the earliest information of any movement on the part of the iron-clad vessel in question.

If fully authorized by sufficiently defined instructions I have no difficulty in proposing or carrying out measures to intercept any design such as I have suggested; but as the orders under which I am now acting bear entirely upon the question of the trial trip, (which I am given to understand is now abandoned,) I find myself forced to act upon what I presume to be the spirit of the orders first issued to Admiral Dacres, or else to ignore any movement of the iron-clad if not with the avowed intention of proceeding on a trial trip.

Under these circumstances, I have to request that you will be pleased to inform me—

First. If I am held responsible for the detention of the iron-clad in the Mersey until formal permission shall have been granted by the admiralty for her departure; and,

Secondly. Should this be the intention of my lords commissioners of the admiralty, whether, in case the vessel should appear in the Mersey under French colors, I am to consider her still under the same restrictions as when virtually in the hands of an English ship-builder.

I have, &c.,
(Signed) E. A. INGLEFIELD.

P. S.—The letter, October 5, has just arrived by evening delivery as post is going out.

E. A. I.

No. 97.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *October* 7, 1863.

SIR: It appears, by a letter from Captain Inglefield, of Her Majesty's ship Majestic, dated yesterday, of which a copy has been transmitted to this office as well as to the board of treasury by the secretary to the admiralty, that the iron-clad now building by Messrs. Laird, at Birkenhead, is in such a state of forwardness as to her equipment, and has on board, moreover, such a large quantity of coal, as to render her immediately available for being placed beyond British jurisdiction, while the regulations and practice of the port of Liverpool are such as to offer no impediment to her being suddenly moved into the river, where she might be passed out of the hands of Messrs. Laird.

There is reason to suppose, moreover, that the works for completing the vessel, which it is understood had been relaxed for a time, have recently been pushed forward with great activity, and it is known, from Captain Hore's report of the 2d of October, of which a copy was transmitted to you in my letter of the following day, that the captain and chief engineer of the vessel were about to leave Paris on the 3d for Liverpool.

The presence in Liverpool of a large body of men, ostensibly discharged from the Florida, cannot be left out of sight in deciding upon the course which should be taken under existing circumstances.

Taking all these matters into consideration, and having reference also to the admitted fact that the two vessels now building by Messrs. Laird, of which that now specially referred to is one, were orignally
[385] contracted to be built by that firm for *Captain Bullock, who is well known to be employed by the so-called Confederate States in similar transactions, Lord Russell cannot hesitate to recommend to the lords commissioners of Her Majesty's treasury that orders should be at once sent to the custom-house authorities at Liverpool to place on board the vessel, whose intended trial has formed the subject of previous communication with Messrs. Laird, a duly qualified officer of the customs, with authority at once to seize her on behalf of the Crown if an attempt should be made to get up steam on board her or to remove her from the float or dock in which she is now placed into the river, where facilities for running away with her appear to be so easy.

After the assurances given repeatedly by Messrs. Laird, it is hardly to be anticipated that those gentlemen would offer any objection to the presence of a custom-house officer on board, even without the vessel being actually placed under seizure; but if the case should be otherwise, there is no other alternative but that of at once proceeding to seizure.

The custom-house authorities will of course communicate with Captain Inglefield, of Her Majesty's ship Majestic, as to their proceedings, in order that that officer may be prepared to support them in case of need, in pursuance of the instructions which, as the board of treasury is aware, he has received from the admiralty.

I am, &c.,
(Signed) E. HAMMOND.

No. 98.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *October* 7, 1863.

SIR: With reference to your letter of this day's date, inclosing a copy of a letter from Captain Inglefield, of Her Majesty's ship Majestic, respecting the iron-clad steam-vessel now in course of construction by Messrs. Laird, of Birkenhead, I am directed by Earl Russell to transmit to you herewith, to be laid before the lords commissioners of the admiralty, a copy of a letter which I have addressed to the secretary of the treasury,[1] respecting the course to be pursued in regard to that vessel.

I am, &c.,
(Signed) E. HAMMOND.

No. 99.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
October 7, 1863. (Received October 7, 1863.)

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copy of a letter from the commissioner of customs, dated the 7th October, and of its inclosure, further respecting the iron-clad vessels building at Liverpool.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 99.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *October* 7, 1863.

SIR: With reference to my letter of yesterday's date respecting the iron-clad vessels at Birkenhead, I am directed to transmit to you, for the information of the lords commissioners of Her Majesty's treasury, the inclosed copy of a report which has just (10 minutes past 1) been received from the assistant collector of this revenue at Liverpool, stating his proceedings in consequence of the telegram sent to him by the deputy chairman of this board on the evening of the 6th instant.

I am, &c.,
(Signed) F. G. GARDNER.

[386] *[Inclosure 2 in No. 99.]

Mr. Stewart to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, October* 6, 1863.

HONORABLE SIRS: In accordance with the telegram received from the deputy chairman last night, stating the government has received fresh information about iron-clads ("admiralty has sent orders to naval authorities at your port; communicate with them and act with them in the matter,") and which (the collector having left

[1] No. 97.

town previous to its arrival) was forwarded to me, I communicated with Captain Inglefield, the senior naval officer here, in command of the Majestic, and he called upon me this morning, to request he might be informed immediately the customs-officers saw reason to suppose the iron-clad vessel was about to remove from her present position, as he thought it possible an attempt might be made to take her forcibly out of the river. I have accordingly arranged that a customs-boat should remain for the present at the Birkenhead side of the river, in order that the information required might be forwarded to Captain Inglefield with the least possible delay.

Respectfully, &c.,
(Signed) W. G. STEWART.

No. 100.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
October 7, 1863. (Received October 7.)

SIR: With reference to your letter of this day, recommending that an officer of the customs should be placed on board one of the iron-clad vessels at Birkenhead, with authority to seize her on behalf of the Crown in case any attempt should be made to get up steam, or to remove her from the float or dock where she now is, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, copies of the letters which have, in consequence, by order of their lordships, been addressed to the commissioners of customs and to the Messrs. Laird.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 100.]

Mr. Hamilton to the commissioners of customs.

TREASURY CHAMBERS, *October* 7, 1863.

GENTLEMEN: With reference to the previous correspondence respecting the iron-clad vessels building at Birkenhead, I am desired by the lords commissioners of Her Majesty's treasury to transmit herewith a copy of a letter from the foreign office of this day's date, and I am to inform you that my lords authorize and direct you accordingly to have one or more duly qualified officers of your department placed at once on board the iron-clad vessel referred to, with authority to seize her on behalf of the Crown if any attempt should be made to get up steam on board her, or to remove her from the float or dock in which she is now placed in the river, where facilities for running away with her appear to be so easy.

I am also to inform you that the lords commissioners of the admiralty have given directions to Captain Inglefield, of Her Majesty's ship Majestic, to afford protection and support to the officers of your department in the performance of their duty, either in seizing the vessel or in preventing any attempt at her forcible abduction; and I am to request that you will give the officers of your department at Liverpool directions accordingly.

I am, &c.,
(Signed) GEO. A. HAMILTON.

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[387] *[Inclosure 2 in No. 100.]

Mr. Hamilton to Messrs. Laird Brothers.

TREASURY CHAMBERS, *October* 7, 1863.

GENTLEMEN: Referring to your ready acceptance of the offer of Her Majesty's government to prevent any attempt at the forcible abduction of your property, the iron-clad vessel now nearly completed at Birkenhead, and understanding that the trial-trip which has been the subject of former correspondence has been abandoned, I am

directed by the lords commissioners of Her Majesty's treasury to inform you that from information which has been received it has become necessary to take additional means for preventing any such attempt.

Their lordships have, therefore, given instructions that a custom-house officer should be placed on board that vessel, with full authority to seize her on behalf of the Crown, in the event of any attempt being made to remove her from the float or dock where she is at present, unless under further directions from their lordships, and likewise to obtain from the officer in command of Her Majesty's ship Majestic any protection which may become necessary to support him in the execution of this duty.

My lords request you to understand that these precautions are taken, not from any distrust of your intention to fulfill your engagement of giving a week's notice before the removal of the vessel, nor with the view of interfering in any way with your workmen in the completion of her, but exclusively for the purpose of preventing an attempt which may be made by other parties to nullify your honorable engagement.

Their lordships have directed Mr. Stewart, the assistant collector, to communicate with you, and they doubt not that these precautions will meet with your concurrence.

I am, &c.,
(Signed) GEO. A. HAMILTON.

No. 101.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *October* 8, 1863.

SIR: I am directed by Earl Russell to request that you will submit, for the consideration of the lords commissioners of Her Majesty's treasury, with reference to my letter of yesterday, whether, in order to provide for the contingency, however improbable, of any doubt being entertained by the custom-house authorities at Liverpool as to the course they should pursue in giving effect to their instructions, it might not be advisable to send them by telegraph a further instruction to the effect that if they feel any doubt as to the precise meaning of the instruction sent yesterday evening, and confirmed by telegraph this morning, in regard to the time at which and the circumstances under which they would be justified, under that instruction, in effecting the seizure of the iron-clad, such doubt is to be determined in favor of immediate seizure, it being the determination of Her Majesty's government that the vessel shall not be carried off and that every precaution shall be taken to prevent the possibility of her being so.

I am, &c.,
(Signed) E. HAMMOND.

No. 102.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 8, 1863. (Received October 8.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a telegram just received from Captain Inglefield respecting the iron-clad vessel built by Messrs. Laird at Birkenhead.

Copy also sent to treasury.

I am, &c.,
(Signed) W. G. ROMAINE.

[388] * [Inclosure in No. 102.]

Captain Inglefield to the secretary to the admiralty.

[Telegraphic.]

MAJESTIC, *October* —, 1863.

Have received private information. Number of men are ready for secret service; tow-lines are placed on board.

Shall I move Liverpool or gun-boat to the entrance of the great float? Collector coincides.

No. 103.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *October* 8, 1863.

SIR: With reference to my letter of yesterday evening and of this morning respecting the iron-clad at Liverpool, I am directed by Earl Russell to request that you will move the lords commissioners of Her Majesty's treasury to give directions that the vessel in question may be seized to day.

I am, &c.,

(Signed) E. HAMMOND.

No. 104.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
October 8, 1863. (Received October 8.)

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to inform you that immediately on the receipt of your letter dated 2.15 p. m. this day, a copy of it was transmitted to the commissioners of customs, with authority and instructions to have the seizure of the vessel therein referred to effected accordingly.

I am, &c.,

(Signed) GEO. A. HAMILTON.

No. 105.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *October* 8, 1863.

SIR: I am directed by Earl Russell to request that you will acquaint the lords commissioners of the admiralty, in reply to your letter of this day, that a letter, of which the inclosed is a copy,[1] has been this day addressed to the board of treasury, requesting that directions may be given for the immedia e seizure of the iron-clad, and Lord Russell concludes that under the authority already given to Captain Inglefield that officer will be prepared to take whatever steps may be necessary to support the officer of customs in effecting and maintaining the seizure.

I am, &c.,

(Signed) E. HAMMOND.

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[1] No. 101.

No. 106.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *October* 8, 1863.

SIR: I am directed by Earl Russell to request that you will acquaint the lords commissioners of Her Majesty's treasury that on the receipt from the board of admiralty of the telegram from Captain Ingle-
[389] field, of which a copy has also been sent *to the treasury, I addressed to the secretary of the admiralty a letter, of which the inclosed is a copy.[1]

I am, &c.,
(Signed) E. HAMMOND.

No. 107.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 8, 1863. (Received October 8.)

SIR: In reply to your letter of this day, I am commanded by my lords commisssoners of the admiralty to acquaint you, for the information of Earl Russell, that the following telegram has been sent to Captain Inglefield, of Her Majesty's ship Majestic, Liverpool, viz:

Orders have been given to the officers of customs to seize the vessel. Take necessary steps to maintain the seizure.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 108.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *October* 8, 1863.

SIR: The correspondence which has lately passed between this office and the board of treasury respecting the iron-clads building by Messrs. Laird & Co., of Birkenhead, had reference more especially to the case of the one more advanced in her construction and fitting, the seizure of which was alone required by my letter of this afternoon.

I am now to request, by direction of Earl Russell, that you will move the lords commissioners of Her Majesty's treasury at once to give orders for the immediate seizure of the other iron-clad building by Messrs. Laird, notwithstanding that she is not yet so far advanced toward her completion as her consort.

I am, &c.,
(Signed) E. HAMMOND.

No. 109.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *October* 9, 1862.

SIR: I am directed by Earl Russell to request that you will acquaint the lords commissioners of the admiralty that, by his lordship's desire,

[1] No. 105.

I requested late yesterday evening the secretary of the treasury to move the board of treasury to give immediate orders for the seizure of the other iron-clad now constructing by Messrs. Laird & Co., of Birkenhead, and similar to that the seizure of which was ordered yesterday; and I am to request that you will move the lords commissioners of the admiralty to give such directions to the senior naval officer at Liverpool as may authorize him to support, if necessary, the officers of the customs in making the seizure of this second vessel, and in maintaining the same.

I am, &c.,
(Signed) E. HAMMOND.

No. 110.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *October* 9, 1863.

SIR: With reference to my letter of yesterday evening, I am directed by Earl Russell to transmit to you, to be laid before the lords
[390] commissioners of Her Majesty's treasury, *a copy of a letter which, by direction of his lordship, I have addressed to the admiralty,[1] informing that department of the intended seizure of the second iron-clad vessel at Liverpool, and requesting that instructions might be given to the senior naval officer at Liverpool authorizing him to support, if necessary, the officers of the customs in making the seizure and in maintaining the same.

I am, &c.,
(Signed) E. HAMMOND.

No. 111.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS.
October 9, 1863. (Received October 9.)

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you herewith, for the information of Earl Russell, copy of a letter received this morning from Messrs Laird, intimating that they had given directions for the admission of a custom-house officer on board the vessel El Tousson, in compliance with the requisition addressed to them by their lordships on the 7th instant.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 111.]

Messrs. Laird Brothers to the secretary to the treasury.

BIRKENHEAD IRON-WORKS, *Birkenhead, October* 8, 1863.

SIR: We beg to acknowledge the receipt of your communication of the 7th instant about the iron-clad vessel now nearest completion, and to inform you that we have

[1] No. 109.

been informed by Mr. W. G. Stewart, assistant collector, Her Majesty's customs, Liverpool, that he has been directed to place a customs-officer on board the iron-clad vessel now nearest completion in the great float, Birkenhead, and that he has directions to seize her in case any attempt be made to remove her from where she is at present.

We have given the necessary order for admission to the vessel (called by us the El Tousson) to Mr. Morgan, the surveyor of customs.

We are, &c.,
(Signed) LAIRD BROS.

No. 112.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 9, 1863. (Received October 9.)

SIR: With reference to your letter of this day's date, I am commanded by my lord's commissioners of the admiralty to transmit herewith, for the information of Earl Russell, a copy of the instructions which have been this day given to Captain Inglefield, of the Majestic, at Liverpool, enjoining him to give such assistance to the custom-house officers as may be necessary to effect and maintain the seizure of the two iron-clad vessels built by Messrs. Laird at Birkenhead.

A copy of these instructions has been also sent to the treasury.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 112.]

The secretary to the admiralty to Captain Inglefield.

ADMIRALTY, *October* 9, 1863.

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for your information and guidance, a copy of a letter from the treasury, dated
[391] the *8th instant, requesting that you may be specifically enjoined to render such assistance to the custom-house authorities as you may judge necessary to effect and maintain the seizure of one of the two iron-clad vessels built by Messrs. Laird at Birkenhead. This is to be done in conjunction with the officers of customs, either by placing a body of marines and seamen on board, or by adopting the precautions mentioned in your telegram of yesterday, or in such other manner as may seem most advisable under the circumstances.

I am also to send you a copy of a letter from the foreign office, dated this day, desiring that you may be instructed to support, if necessary, the officer of customs in making the seizure of the other iron-clad, and in maintaining the same when effected.

The following telegram has been this morning forwarded to you in cipher by their lordships' directions, viz:

"Give every assistance to officers of customs in effecting and maintaining seizure of both iron ships by adopting such measures as you may judge necessary, by placing marines and seamen on them, or by adopting the precautions suggested by your telegram yesterday."

I am, &c.,
(Signed) W. G. ROMAINE.

No. 113.

Mr. Stewart to Mr. Hamilton.

[Telegraphic.]

LIVERPOOL, *October* 9, 1863. (Received October 9.)

The second iron-clad has been seized, as directed, to-day.

No. 114.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS, *October* 10, 1863. (Received October 10.)

SIR: I am commanded by my lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, copy of a letter received this morning from Messrs. Laird, expressing their views respecting the seizure of one of the iron-clad vessels in course of construction by them at Birkenhead.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 114.]

Messrs. Laird Brothers to Mr. Hamilton.

BIRKENHEAD IRON-WORKS, *Birkenhead, October* 9, 1863.

SIR: In further reply to your letter of the 7th instant, (acknowledged yesterday,) informing us that the lords commissioners of Her Majesty's treasury have given instructions that a custom-house officer should be placed on board the iron-clad vessel now nearly completed at Birkenhead, with full authority to seize her on behalf of the Crown in the event of any attempt being made to remove her from the float or dock where she is at present, unless under further directions from their lordships, and likewise to obtain from the officer in command of Her Majesty's ship Majestic any protection which may become necessary to support him in the execution of this duty, we beg to inform you that we have received this day a letter from Mr. Morgan, the surveyor of customs, giving us notice that, by the direction of the honorable commissioners of customs, he has this day seized the iron-clad vessel now lying in the great float at Birkenhead.

Since the receipt of your letter of the 7th instant no attempt has been made to remove the vessel from her moorings at quay in the great float, and we are therefore at a loss to understand this apparent deviation from the decision of their lordships, as expressed in their letter of the 7th, above referred to; but we consider that this has been done, not with any distrust of our intentions to fulfill our engagement of giving a week's notice of our intention to remove the vessel, nor with the view of inter-
[392] fering *in any way with the workmen in the completion of her, but exclusively for the purpose of preventing an attempt which may be made by other parties to nullify our engagement. Although we are not aware of any circumstances to induce us to entertain any apprehension of any attempt being made to deprive us of our property by force, we gladly avail ourselves of any protection Her Majesty's government may think necessary for its security.

The vessel is still far from being ready for sea, and the work has been so much retarded by the excessively wet weather that it will be some weeks before she is finally completed.

We are, &c.,
(Signed) LAIRD BROS.

No. 115.

Mr. Grey to Earl Russell.

PARIS, *October* 8, 1863. (Received October 9.)

MY LORD: The Turkish embassador informed me to-day that he had the day before yesterday received instructions to make an offer on the part of his government to M. Bravay for the purchase of the two iron-clad vessels building at Birkenhead. His excellency accordingly sent for M. Bravay yesterday, but he is at present absent from Paris, and is not expected to return for a day or two.

The Turkish embassador further told me that Nubar Pasha had said,

in answer to his inquiries, that no formal contract had been passed between the late Viceroy of Egypt and M. Bravay; that there might have been some verbal agreement; and that whatever had been settled between the present Viceroy and M. Bravay had been done after his (Nubar Pasha's) departure from Egypt. M. Bravay's statement to Nubar Pasha was that the Viceroy had said he would see the ships, and, if he approved of them, recommend the Ottoman government to purchase them.

The Turkish embassador promised to inform me, without loss of time, of the result of his offer to M. Bravay; and in the mean time he asked me to abstain from communicating with that gentleman myself, to which I assented, subject, of course, to your lordship's approval.

I have, &c.,
(Signed) W. G. GREY.

No. 116.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 10, 1863. (Received October 10.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter, dated the 9th instant, from Captain Inglefield, of Her Majesty's ship Majestic, with a copy of its inclosure, relative to the detention of the iron-clad vessels built by Messrs. Laird and Birkenhead.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 116.]

Captain Inglefield to the secretary to the admiralty.

MAJESTIC, *Rock Ferry, Cheshire, October* 9, 1863.

SIR: I have the honor to acquaint you that I received your telegram last evening, desiring me to take necessary steps to enable the officers of the customs to maintain the seizure of the iron-clads building by the Messrs. Laird. I immediately ordered Lieutenant Cheek to place his gun-boat within the entrance to the Great Float, and desired Captain Lambert to send a well-armed guard-boat, in charge of a lieutenant, to take up a similar position during the night, with orders to board and capture the iron-clad should an attempt be made to withdraw her from the great float. A [393] pre-*concerted signal was also arranged to afford me due notice of such an attempt, and I was prepared with a suitable force to further these intentions.

I have now to acknowledge your confidential letter dated October 8, inclosing a copy of a letter from the under-secretary of state for foreign affairs, dated the 7th instant; also a second letter of the 8th instant, inclosing another letter of the 8th instant from the under-secretary, acquainting me that the iron-clad vessels had been seized.

At 2 p. m. I received your telegram to the following effect: "Give every assistance to officers of customs in effecting and maintaining seizure of both iron ships, by adopting such measures as you may judge necessary, by placing marines and seamen on them, or by adopting the precautions suggested by telegraph yesterday."

In obedience to the above, I consider it most expedient that the Liverpool should be moved down the river to a berth immediately abreast of the entrance to the Great Float, so that she may perfectly command the basin, and be nearer to her guard-boat.

The gun-boat will remain within the entrance to the float, and during the night an armed pinnace will row guard.

I have thought it unnecessary, in the comparatively unfinished state of the second iron-clad (now in the Messrs. Laird fitting basin), to take any precautionary measures with regard to her safety, as she could not be carried to sea in her present condition.

Your telegram has the expression, "by placing marines and seamen *on* them," &c.

I beg you will be pleased to inform me if "on board" is the sense intended to be conveyed.

In the mean time I have hesitated before taking this decided step, as it will naturally incur a certain degree of responsibility for the safety of fittings, &c., which would not be comprehended if sentries were merely posted on the wharf beside which the iron-clad lies.

Hitherto I have abstained from any personal communication with the Messrs. Laird on the subject of the iron rams; I thereby felt myself more free to act, as might become expedient, than if I had placed myself in a position to receive verbal assurances of their intentions or a repetition of the declaration already made by those gentlemen to the government.

I trust this course of conduct will meet with their lordships' approval. I have inclosed, for their lordships' information, a statement of the present abode, names, and nationality of those among the Florida's crew that landed in this port; and I have, &c.

(Signed) F. A. INGLEFIELD.

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[394] *[Inclosure 2 in No. 116.]

A list of a portion of the Florida's crew which came to Liverpool, with their present abode.

Name.	Country.	Remarks, residence, &c.
Wm. Davis	Dublin	Williams's, Seddon street.
Matt. Carr	Liverpool	Ditto.
Christ. Irvers	Ireland	Kavanagh's.
Hugh Conway	Ditto	Williams's, Seddon street.
Thomas Doris	United States	Not known.
Edwd. Irvine	Liverpool	Ditto.
Patrick Burns	Ditto	Kavanagh's.
Wm. Thompson	United States	Lingrim's.
Matw. Wood	Ditto	Gone to Florida.
Jno. Broyan	New Orleans	Ditto.
John Hogan	Ireland	Ditto.
John Kelley	Ditto	Ditto.
Fredk. Brown	Dutch	Williams's, Seddon street.
John Collins, captain forecastle		Gone to Manchester.
Henry Calligan, 2d captain forecastle		Ditto.
John Cherry	United States	Liverpool.
Jas. Murray	Ditto	Ditto.
Thos. King	New Orleans	Manchester.
John Gillespie		Edinburgh.
John Johnson	German	A brig in dock, South End.
Pattc. Horraghan	Ireland	Liverpool, not known where.
Mic. Curley	Ditto	Ditto.
John Curran	Ditto	Not yet paid.
John Biggan	German	Supposed gone to New York.
Jas. Mayne, captain after-guard	Ireland	Ditto.
Chas. Grover, cook	New York	Ditto.
Dennis Sullivan	Ireland	Williams's.
John Boynton		Gone to Florida.
Chas. Bullinger	South Wales	Liverpool.
S. J. Gillick, master-at-arms	Ireland	Williams's, Duke street.
Jacob Leslie	Canadian	London.
John Miller	German	At Lingrim's.
Pattc. Considine	Ireland	Ditto.
Peter Morris	Ditto	Not known where, but often at Sailors' Home.
Thos. Hardy, carpenter	Scotch	
—— Henderson, car. crew	German	Norfolk street.
James Burns, boatswain's mate	Ireland	10 Norfolk street.
Andrew Paterson, car. crew	German	Near Hunter street.
John Smith	Swede	Gone to Cardiff.
A. Huttlebury	United States	Gone to New York in packet-ship.
Jonas Plane	Dutch	Liverpool, not known where.
Henry Ward	American	
Edwd. Hall	German	
Jno. McNevy		
Matto Crewell		
Emanl. Freightero	Portuguese	
Jno. Fitzgerald		
Jno. Donnelly		
Bernd. Good		
Johannes Wengand		Gone to New York.
F. Silver	Portuguese	
Thos. Duggan		
Wm. McCade		At Lingrim's.
James Weeks		
Jonas Platin		
Fras. Rivers		
Jas. Hardy		

A list of a portion of the Florida's crew, &c.—Continued.

Name.	Country.	Residence, remarks, &c.
Jno. Harrington		
Chas. Johnson	German	Sparling street, near Lingrim's.
Geo. Lewis	United States	Liverpool, not known where.
Wm. Laiton, boy		Gone to Florida.
John Hatton, in man-of-war's uniform		Ditto.
John Brown	German	At Lingrim's.
Peter Walsh	Ireland	Ditto.
John Taylor	United States	Gone to New York in packet-ship.
Jas. Feegan	Ireland	Not known where.
Patte. Hardigan		
C. A. Grover, or Mores		
Richd. Wilson, jr., master	New York	

[395] *No. 117.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *October* 10, 1863.

SIR: I have laid before Earl Russell a copy of your letter of this day, inclosing a copy of a report from Captain Inglefield, of Her Majesty's ship Majestic, relative to the detention of the iron-clads; and I am directed by his lordship to request that you will state to the lords commissioners of the admiralty that it appears to Lord Russell that so long as the marines are in such a position as to insure their being able, in case of need, to afford adequate support to the officers of Her Majesty's customs in maintaining the seizure of the iron-clads, Captain Inglefield may station the marines wherever he may consider it most convenient to do so.

I am, &c.,
(Signed) E. HAMMOND.

No. 118.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
October 12, 1863. (Received October 12.)

SIR: With further reference to the correspondence which has passed regarding the iron-clad vessels fitting at Birkenhead, I am commanded by the lords commissioners of Her Majesty's treasury to submit to you, for the consideration of Earl Russell, the inclosed copies of a letter, dated this day, which their lordships have received from the commissioners of customs relating to these vessels, together with copies of the papers which accompanied that letter.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 118.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *October* 12, 1863.

SIR: I am directed by the commissioners of Her Majesty's customs to transmit to you the inclosed copies of two further reports from the acting collector of this revenue at

Liverpool, dated the 10th instant, with reference to the detention of the "second iron-clad" at Birkenhead, and to an inquiry of Messrs. Laird whether there will be any objection to the removal of the vessel into the river or to the great float at Birkenhead, in order to admit of a steam-vessel for the Holyhead station being taken out of the graving-dock, and I am to signify the request of the board to be favored with their lordships' early directions.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 118.]

Mr. Stewart to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, October* 10, 1863.

HONORABLE SIRS: In accordance with your order of the 9th instant, I beg to report that, as stated in my report of yesterday, the second iron-clad now fitting in Messrs. Laird's yard, Birkenhead, has been seized; that Captain Inglefield has been informed of the seizure, and similar arrangements made for communicating with him as in the case of the El Tousson. I may add that Captain Englefield has stationed a gun-boat in the great float, so that the customs officers can now communicate with the naval authorities from the shore.

Respectfully, &c.,
(Signed) W. G. STEWART,
Assistant Collector.

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[396] [Inclosure 3 in No. 118.]

Mr. Morgan to Mr. Stewart.

LIVERPOOL, *October* 10, 1863.

SIR: The second iron-plated vessel, which, under your directions, I seized yesterday, is lying in Messrs. Laird's graving-dock, together with a new steamer for the Holyhead station, which latter will be ready for sea in a few days; and in order to take her out of that dock it will be necessary to remove the iron-clad into the river.

Messrs. Laird inquired of me whether there would be any objection raised to such removal or to taking her into the great float at Birkenhead if the purposes of their business required it.

It is admitted that there is a sufficient naval power in the Mersey, available at all times, to prevent the removal of the vessel from the port without proper authority, and I seek instructions with reference to the inquiry of Messrs. Laird.

Respectfully submitted.
(Signed) E. MORGAN, *Surveyor.*

[Inclosure 4 in No. 118.]

Mr. Stewart to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, October* 10, 1863.

HONORABLE SIRS: I beg a reference to the preceding report of the surveyor, Mr. Morgan, and submit, for the board's consideration, whether Messrs. Laird may not be permitted to move the second iron-clad into the river for a time, or cause her, if desired, to be taken into the great float, where the first iron-clad seized now lies, the naval officers being informed of the proposed movement of the vessel.

(Signed) W. G. STEWART.
Assistant Collector.

No. 119.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
October 12, 1863. (Received October 12.)

SIR: With further reference to the correspondence which has passed on the subject of the iron-clad vessels fitting at Liverpool, I am com-

manded by the lords commissioners of Her Majesty's treasury to transmit to you the inclosed copies of a letter and the accompanying papers which have been received from the commissioners of customs, requesting instructions as to the propriety of permitting the workmen to remain on board one of these vessels; and I am to request that you will move Earl Russell to favor their lordships with his views on this point.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 119.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *October* 10, 1863.

SIR: With reference to the orders of the lords commissioners of Her Majesty's treasury, dated 7th, 8th, and 9th instant, respecting the iron-clad vessels at Birkenhead, I am directed to acquaint you that immediately on receipt thereof telegraphic messages were forwarded to the collector at Liverpool in terms of their lordships' commands, and letters sent by the post of the 8th and 9th; and I am now to transmit—

1st. A copy of a letter from the acting collector, dated the 8th, reporting his proceedings under the orders of the 7th and 8th instant.

2dly. Copy of a telegram from the acting collector, received on the morning of yesterday, stating the seizure of one of the vessels; that he has not caused the workmen to be removed, and requesting to be informed whether he has done right in permitting them to remain. In reply to this telegram, the acting collector has been
[397] *informed that the matter has been referred to the lords of the treasury, and that, until their lordships' decision shall have been received, the workmen need not be interfered with, provided care be taken that the safety of the vessel is not endangered through their presence.

3dly. A letter from the acting collector, dated the 9th, reporting in detail his proceedings under the order of the 8th instant.

4thly. Another letter from that officer of the same date, reporting the seizure of the second iron-clad; and I am to signify the request of the board to be favored with their lordships' further instructions.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 119.]

Mr. Stewart to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, October* 8, 1863.

HONORABLE SIRS: I beg to acknowledge the receipt of a telegram, of the 7th instant, from the deputy chairman, authorizing me to act upon the instructions given in a letter from Mr. Hamilton which I should receive this morning, and also the receipt of a second one, of this day's date, repeating the above directions, and further ordering me not to exceed them, and, if obliged to seize, that it is to be done by the surveyor, showing his authority.

On receiving Mr. Hamilton's letter, (soon afterward followed by a telegram from him to act upon his instructions,) a copy of which I inclose, I forwarded by Mr. Morgan, surveyor, the letter to Messrs. Laird, at the same time instructing him to place an officer in charge of the vessel, and I beg a reference to his report. I also wrote to Captain Inglefield, informing him of what had been done. The board will perceive that Mr. Hamilton directs that an officer be put on board with authority to seize, whereas the telegram received this day from the deputy chairman directs that, if obliged to seize, it is to be done by the surveyor; and as the telegram is of later date, and is more precise in its directions as to how the seizure is to be made, the officer in charge has been ordered, whenever any attempt is made to get up steam, or otherwise cause the vessel to leave the dock, he is at once to inform the surveyor, who will then place her under seizure.

I have written to Mr. Hamilton to-day, informing him that his orders have been carried out.

I have just received a second telegram, of this day's date, from the secretary, directing that qualified officers should be placed on board the iron-clad, and to seize her if

she attempts to get up steam or leave the dock or float; and it will be seen that such orders have been given in accordance with Mr. Hamilton's letter.

Respectfully, &c.,
(Signed) W. G. STEWART,
Assistant Collector.

[Inclosure 3 in No. 119.]

Mr. Morgan to Mr. Stewart.

LIVERPOOL, *October* 8, 1863.

SIR: I beg to report that I personally delivered the letter addressed to Messrs. Laird, which arrived to-day, and those gentlemen, after reading it in my presence, expressed some annoyance. Agreeably with your directions I have appointed special watchmen over the vessel, and given them such instructions as will prevent her leaving the dock, in which she now lies, in a fraudulent manner. I have no suspicion of such an intention on the part of the owners.

I beg to add that care will be taken that the work on board is not unnecessarily interfered with.

Respectfully submitted.
(Signed) E. MORGAN,
Surveyor.

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[398] [Inclosure 4 in No. 119.]

Mr. Stewart to Mr. Gardner.

[Telegraphic.]

CUSTOM-HOUSE, *Liverpool, October* 9, 1863.

Vessel has been seized. Mr. Hamilton stating in his letter to the builders there was no wish to interfere with the workmen, they have not been removed. Have I done right in permitting them to remain? I will write to-day.

[Inclosure 5 in No. 119.]

Mr. Stewart to the commissioners of Customs.

CUSTOM-HOUSE, *Liverpool, October* 9, 1863.

HONORABLE SIRS: Your telegram of the 8th instant, directing me, in addition to putting officers on board of the iron-clad, "to have the vessel seized by the surveyor forthwith; report your proceedings forthwith; telegraph to Mr. Hamilton at the treasury that you have received this order and will act upon it," was not received by me until after business hours. I proceeded with it at once to the house of Mr. Morgan, surveyor, but found he was gone to Birkenhead, and I followed him there, and consequently was unable to save the post last night.

In order that the board might receive intelligence on the subject without delay, I telegraphed this morning that the vessel had been seized, and at the same time requested the board's directions as to whether the workmen employed on board the vessel were to be allowed to continue there. I may add that the number of men employed on board is near 200, and from the difficulty of finding skilled workmen, the loss to Messrs. Laird, if they are discontinued, will be very serious; and as Mr. Hamilton, in his letter transmitted, open, through me to Messrs. Laird, states, "My lords request you to understand that these precautions are taken not with a view of interfering in any way with your workmen in the completion of the vessel," I have hesitated to require their removal without first obtaining the board's directions.

A telegram was forwarded, as directed, to Mr. Hamilton last evening, stating the order would be acted on.

Respectfully, &c.,
(Signed) W. G. STEWART,
Assistant Collector.

[Inclosure 6 in No. 119.]

Mr. Stewart to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, October* 9, 1863.

HONORABLE SIRS: I beg to acknowledge the receipt of a telegram, of this day's date, directing me to "take immediate steps to have the second iron-clad also seized on the part of the Crown; report your proceedings, and telegraph the seizure to Mr. Hamilton, at the treasury."

On the receipt of the above, Mr. Morgan, surveyor, at one proceeded to fulfill your instructions, and the vessel is now under seizure, and I have telegraphed to Mr. Hamilton to that effect.

Respectfully, &c.,
(Signed) W. G. STEWART,
Assistant Collector.

No. 120.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *October* 12, 1863.

SIR: With reference to my letter of the 9th instant, I am directed by Earl Russell to transmit to you herewith, for the information of the lords commissioners of Her Majesty's treasury, a copy of a letter which, by his lordship's direction, I addressed to the board of admiralty [399] on the 10th instant, relative to the disposal of the party of * marines who may be appointed by Captain Inglefield to support the officers of customs in maintaining the seizure of the iron-clads at Birkenhead.[1]

I am, &c.,
(Signed) E. HAMMOND.

No. 121.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *October* 12, 1863.

SIR: I have laid before Earl Russell your letter and its inclosures, of this day, respecting an application made by Messrs. Laird to be allowed, for the reasons stated, to remove into the river, for a time, the second iron-clad now lying in their graving-dock under seizure, or to be allowed to take her into the great float; and I am to request that you will acquaint the lords commissioners of Her Majesty's treasury that, if Mr. Stewart, the assistant collector of customs, and Mr. Morgan, the surveyor, after consultation with Captain Inglefield and with the concurrence of that officer, should be of opinion that a compliance with Messrs. Lairds' request might be ventured on without prejudice to the maintenance of the seizure of the second iron-clad, Lord Russell considers that there would be no objection to Messrs. Lairds' application being complied with.

Lord Russell is, however, not sufficiently acquainted with the locality to be able to judge in which position, whether in the river or in the great float, the vessel will be more effectually secure from being run away

[1] No. 117.

with, or whether she ought not to be replaced in the graving-dock after the removal from it of the Holyhead steamer. But his lordship is willing to leave to Mr. Stewart and Mr. Morgan, acting with the full concurrence of Captain Inglefield, to decide this point.

I am, &c.,
(Signed) E. HAMMOND.

No. 122.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 12, 1863. (Received October 13.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Captain Inglefield, of Her Majesty's ship Majestic, dated the 11th instant, relative to the detention of the iron-clad vessels built by Messrs. Laird, at Birkenhead.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 122.]

Captain Inglefield to the secretary to the admiralty.

MAJESTIC, *Rock Ferry, October* 11, 1863.

SIR: I have the honor to acknowledge your telegram, received at 8 p. m. last evening, to the following effect:

"Place the marines in such a position as you may consider best to enable them in case of need to assist the officers of customs in maintaining the seizure of the iron ships."

I have also to acknowledge your letter, of the 10th instant, inclosing a letter of the same date from the foreign office, desiring that "marines may be placed" as directed by the telegram.

In compliance with these instructions, I have ordered the gunboat to take out her powder to-morrow at daylight for the purpose of going into the great float, and I have directed Captain Lambert to detach a party of nine marines, a sergeant, and corporal, to that vessel for the service ordered.

[400] *The gunboat will take up a position beside the iron-clad vessel, and during the day time the marines will remain on board of her.

After the workmen have left, a sentry will be posted on the forecastle and another on the poop of the ram, Messrs. Lairds' ship-keepers remaining in charge of stores.

If the gunboat is permitted to lash alongside the ram, it will be unnecessary for the rest of the guard to be posted in the vessel; but should this for any reason be impracticable, I shall then direct the lieutenant of marines, who will be the officer of the guard, to remain on board the iron ship during the night, only withdrawing his party when the work-people return in the morning.

Lieutenant Cheek will have charge of the ram during the day-time, and a lieutenant of marines will perform this duty at night.

By placing the gun-boat within the float she need not keep up steam, her crew are immediately available, and I provide against the difficulties which might be offered regarding accommodation for the marines, as I need hardly acquaint you that I can look for no assistance from the dock authorities while carrying out these duties.

I have, &c.,
(Signed) E. A. INGLEFIELD.

No. 123.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 12, 1863. (Received October 13.)

MY LORD: I take great pleasure in performing the duty imposed on me by my Government of expressing its satisfaction with the intelligence which I had the honor of communicating to it by the transmission of your lordship's note to me of the 8th of September.

The President, not insensible of the difficulties in the way of the decision to which Her Majesty's government in that note signified it had arrived, is gratified in being able to regard it in the light of a sincere desire on just principles to maintain its friendly relations with the United States. I am therefore instructed to inform your lordship that the Government will hereafter hold itself obliged, with even more care than heretofore, to endeavor so to conduct its intercourse with Great Britain as that the war in which it is now unhappily involved may, whenever it may terminate, leave to neither nation any permanent cause of discontent.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 124.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *October* 13, 1863.

SIR: I am directed by Earl Russell to transmit to you, for the information of the lords commissioners of the admiralty, a copy of a letter which was addressed to the treasury last evening,[1] relative to a request preferred by Messrs. Laird to be allowed to move the second iron-clad from the dock where it now lies.

I am, &c.,
(Signed) E. HAMMOND.

No. 125.

Mr. Hammond to Mr. Hamilton.

TREASURY CHAMBERS,
October 15, 1863. (Received October 15.)

SIR: With further reference to the correspondence which has passed relating to the iron-clad vessels fitting at Liverpool, I am desired by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copy of a letter, dated this day, which their lordships have received from the com-
[401] mis*sioners of customs, together with copies of the accompanying papers relating to this subject.

I am, &c.,
(Signed) GEO. A. HAMILTON.

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[1] No. 121.

[Inclosure 1 in No. 125.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *Liverpool, October* 13, 1863.

SIR: With reference to the order of the lords commissioners of Her Majesty's treasury of the 13th instant, allowing the removal of one of the iron-clads into the Mersey or the great float at Birkenhead, I am directed to state that upon the receipt of that order the necessary instructions were forwarded to the collector at Liverpool; and I transmit herewith, for their lordships' information, a copy of a report which has this morning been received from the collector on the subject.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 125.]

Mr. Edwards to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, October* 14, 1863.

HONORABLE SIRS: In acknowledging the receipt of your order of the 13th instant, preceded by a telegram of the same date, giving directions respecting the removal into the Mersey or the great float at Birkenhead of the second iron-clad vessel which is under detention by seizure, I have to observe that as yet the parties are not prepared to remove the ship, but may be in a few days; but when they are, the directions of the board and those of the treasury shall be fully carried out.

It appears that apprehensions are entertained that forcible possession may be taken of these ships and that they may be carried away by confederate agency. I have therefore instituted careful inquiry into the probability of such a proceeding, and the result of such inquiry is, as far as any preparations at Liverpool are concerned, that there is not the slightest foundation for supposing that any such intention exists.

A portion of the crew of the confederate vessel Florida, which left that ship at Brest, are here, and the idea may possibly have arisen from that circumstance that the abduction was contemplated; but if such be a correct view of the origin of the apprehension I am of opinion that there is no good ground to warrant such a conclusion.

As to the quantity of coals on board, said to be sufficient to carry the vessel out of British jurisdiction, I have ascertained that the total quantity taken into the ship for the then intended trial trip was only 108 tons, and that not only has no addition been made to this quantity, but a considerable portion has been since used.

Under these circumstances, I am respectfully of opinion that there need arise no increased apprehension of any forcible removal of the vessel, even if there were no gun-boat lashed alongside of her or marines patrolling her deck all night, which proceedings seem to be productive of great annoyance to the builders, as well as of inconvenience and loss of their time to the workmen employed, and which, I understand, is likely to become a subject of litigation.

I have felt it my duty to the board to mention these facts, with a view of placing it in possession of the real circumstances of the case, as far as I can possibly ascertain them, for I have myself made inquiries which satisfy me of the correctness of the news that I have formed, and which are to some extent borne out by the accompanying report of Mr. Morgan.

(Signed) S. PRICE EDWARDS.

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[402] *[Inclosure 3 in No. 125.]

Mr. Morgan to Mr. Edwards.

LIVERPOOL, *October* 14, 1863.

SIR: Since the arrival here of some sixty men who had composed a part of the crew of the Florida, now lying at Brest refitting, various rumors have been in circulation relative to the nature of the business of those men at Liverpool, one of which was that they are still in the pay of the confederates, and that they are engaged to form a part of the crew of the iron-plated vessel under detention by seizure in the great float at Birkenhead.

By your directions I have endeavored to learn the truth of the matter, and for that purpose have held conversations with several of those men, as well as with the keepers of the boarding-houses where several of them were stopping.

The result of my inquiries is, that I have confidence in stating that they left the Florida on their own account; that they came here to be paid off by the confederate

agent; and all had considerable amounts for that class of men to receive, exceeding in many cases £100.

They now appear to be expending their money in various ways, and perhaps many of them are awaiting the completion of the Florida refitting, when they will rejoin her; strong inducements have been held out to many of those men for that purpose.

Respectfully submitted.

(Signed) E. MORGAN, *Surveyor.*

No. 126.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *October* 16, 1863.

SIR: I have laid before Earl Russell your letter of yesterday, inclosing a copy of a letter from Mr. Edwards, the collector of customs at Liverpool, on the subject of the iron-clads now under seizure at that port; and I am directed by his lordship to request that you will state to the lords commissioners of Her Majesty's treasury that he cannot see in Mr. Edwards's letter any sufficient ground which should induce Her Majesty's government to relax their vigilance in the slightest degree or to modify the measures now in operation to insure the safe custody of the vessels in question.

I am, &c.,

(Signed) E. HAMMOND.

No. 127.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *October* 16, 1863.

SIR: I am directed by Earl Russell to transmit to you, for the information of the lords commissioners of the admiralty, a copy of a letter which has been this day addressed to the treasury, [1]in reply to a letter from that department, inclosing a copy of a report from Mr. Edwards, the collector of customs at Liverpool, respecting the iron-clad vessels at Messrs. Laird.

I am, &c.,

(Signed) E. HAMMOND.

No. 128.

Mr. Colquhoun to Earl Russell.

[Telegraphic.]

CAIRO, *October* 16, 1863—9.25 a. m.

(Received October 16—6 p. m.)

The Viceroy denies emphatically that he has in any manner engaged to induce the Porte to purchase the iron vessels. He declares
[403] that the subject was never *mentioned between himself and M.

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[1] No. 126.

Bravay, and that the latter is perfectly at liberty to do what he pleases with them. His Higness from the first refused to recognize any of Bravay's contracts.

No. 129.

Earl Russell to Mr. Colquhoun.

[Telegraphic.]

FOREIGN OFFICE, *October* 17, 1863.

Inquire of the Viceroy if he remembers or can ascertain at what date he first refused to accept Bravay's alleged contracts.

No. 130.

Sir A. Paget to Earl Russell.

COPENHAGEN, *October* 15, 1863. (Received October 19.)

MY LORD: The only information I have to add to that which I had the honor to forward to your lordship in my telegram of the 3d instant, relative to the negotiations of the Danish government with the view of purchasing the iron-clad steamers at Liverpool, is that I have since learned from Admiral Bille, the minister of marine, that he had had another interview with the English gentleman who had offered to be the medium of communication between the Danish government and M. Bravay, and the result of that interview was to leave the conviction on the admiral's mind that the ships were not for sale at all.

I have, &c.,
(Signed) A. PAGET.

No. 131.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
October 19, 1863. (Received October 19.)

SIR: With further reference to the correspondence which has passed relating to iron-clad vessels fitting at Liverpool, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you the inclosed copies of two letters, dated 17th instant, which have been received from Messrs. Laird, the builders of these vessels, one stating their belief that the apprehension of a forcible abduction of the vessels is unfounded, and the other proposing that the trial-trip of one of the vessels, El Tousson, shall take place between the 22d and 29th of this month; and I am to request that you will move Earl Russell to favor my lords with his opinion as to the answer which should be returned to Messrs. Laird.

I have, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 131.]

Messrs. Laird Brothers to Mr. Hamilton.

BIRKENHEAD IRON-WORKS, *Birkenhead, October* 17, 1863.

SIR: Referring to your letter of the 7th instant, in which you say that you understand the trial-trip of the iron-clad steam-vessel, the El Tousson, now nearly completed, has been abandoned, we beg to inform you that the trial-trip was deferred, but not abandoned, as you will see by referring to our letter addressed to the Honorable H. Brand on the 21st of September, in which we informed him that we considered it desirable to defer the trial-trip of the first of the iron-clads, the El Tousson, in consequence of the then incomplete state of the vessel and the then crowded state of the river
[404] Mersey, and also in order that Her Majesty's government might be able to *obtain further information as to the project which they had reason to apprehend was in existence for seizing the iron-clad steam-vessel by force on her trial-trip.

We beg now to inform you that the work at the El Tousson is now in such a state of progress as to make it desirable to have a trial-trip to test the working of the machinery, and we, therefore, shall be glad to know whether, with the information Her Majesty's government have been able to obtain since the date of our former letter, they still consider that the precautions of having a force of seamen and marines on board are necessary to protect our property.

We propose that the trial-trip shall take place about the end of next week or the beginning of the week after, say some day between the 22d and the 29th instant, and that it should not extend beyond what is considered the limits of the port, or within sight of the light-ship.

No circumstances have come to our knowledge to induce us to apprehend any attempt to take forcible possession of the vessel on her trial-trip, and after the fullest inquiry we are satisfied that if any such project ever existed in the port of Liverpool, the real facts of the case would have been discovered before this, and the parties implicated placed under such surveillance as to render the execution of their design impossible.

We remain, &c.,
(Signed) LAIRD BROS.

[Inclosure 2 in No. 131.]

Messrs. Laird Bros. to Mr. Hamilton.

BIRKENHEAD IRON-WORKS, *Birkenhead, October* 17, 1863.

SIR: In reply to your letter of the 9th instant, informing us that "in consequence of information which has been received by Her Majesty's government as the probability of a forcible abduction of one or both of the iron-clad vessels in course of completion in the float of Birkenhead, their lordships had felt in their duty to order the seizure of both these vessels, and have issued the necessary directions to the commissioners of customs accordingly," we have made the fullest inquiry, and have not been able to ascertain any circumstance to induce us to apprehend the probability of a forcible abduction of one or both of the iron-clad vessels in course of completion by us at Birkenhead—one, the El Tousson, in the great float, the public dock; and the other, the El Mounassir, in our own dock, on our own premises.

Both vessels are incomplete, and unfit for sea-going. The second vessel has not even got her masts or funnel in, and both are in the sole charge of our own people.

We believe, further, that if any such project as the forcible abduction of these vessels had ever been thought of, it could not successfully have been carried out in the port of Liverpool.

Their lordships have so often assured us that they are convinced that it is our intention, so far as it is in our power, to fulfill honorably the engagement which we have entered into with Her Majesty's government, that we have deferred making any formal protest against the seizure of these vessels, or the arbitrary and extraordinary measures that have been carried out in placing an armed force in charge.

We can only suppose that their lordships have been induced to act as they have done by some information which will be found, on further investigation, to have been entirely erroneous or greatly exaggerated, and that they will, on the termination of the inquiries which they have set on foot to investigate the case, feel justified in removing the vexatious restrictions they have placed on our property, which have already caused and are still causing us an amount of loss and annoyance not easily estimated.

We remain, &c.,
(Signed) LAIRD BROS.

[405] *No. 132.

The law-officers of the Crown to Earl Russell.

LINCOLN'S INN,
October 19, 1863. (Received October 19.)

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 10th instant, stating that he was directed by your lordship to inform us that your lordship had found it necessary to give orders for the seizure of the steam-rams building at Birkenhead.

That the state of completion of one of these vessels; the arrival of great part of the crew of the Florida; the facility for escape, as shown by the letters of Captain Inglefield, of the Majestic; and the recent experience of the departure of the Alabama on a pretended trial-trip, rendered this step urgently necessary.

And that he was now directed by your lordship to transmit to us the accompanying papers.

Mr. Hammond was also pleased to state that we should observe that these vessels were (in contradiction to the opinion of Mr. Edwards, to which we naturally gave great weight in a former report) built for the confederates and their agent, Captain Bullock; that they were bought nominally for the Pasha of Egypt by M. Bravay, a French merchant; that the Pasha of Egypt at once declined to have anything to do with them; that in spite of this refusal to purchase the vessels, their equipment and fittings were hurried on with unusual speed; that as the time approached when they would be ready for sea a great number of men, forming part of the crew of the Florida, arrived at Liverpool; that M. Bravay refused to sell the vessels to the British government, and maintained that he was bound to send them to the Pasha of Egypt, who had positively refused to take them.

Mr. Hammond was also pleased to state that your lordship desired him to call our particular attention to the following questions, as being of urgent importance at the present moment:

1. The vessel being, as stated, under seizure and in possession of the officers of the customs, what answer should be given to parties who should inquire under what authority the seizures have been made? Whether the answer should be, "Under the foreign-enlistment act;" or more generally, "Under the authority of the commissioners of customs acting under the orders of Her Majesty's government;" or "Under the orders of the board of treasury;" or what other answer? And further, what parties are considered to be entitled to make inquiry and to receive an answer?

2. Whether the vessels being now under seizure and in charge of the customs, supported by a force of marines, the workmen employed by Messrs. Laird should be allowed, if those gentlemen desired it, to continue on board and proceed with the completion of the vessels?

That Messrs. Laird, as we should see by their letter of Thursday, previously to the seizure being actually effected, acquiesced in custom-house officers being placed on board one of the vessels, with authority to seize her under certain circumstances, which circumstances have since occurred; and their subsequent letter of the 9th instant, since the seizure was effected, would appear to imply a similar acquiescence. Under these circumstances they would seem, to a certain extent, to have been assenting parties to the seizure, and may, perhaps, be thereby precluded from maintaining an action against the government,

if the result of the proceedings to be hereafter taken for the condemnation of the vessels to the Crown should not uphold the seizure, although, if the workmen were removed and the work of completion interrupted, the case might be otherwise.

3. What steps should now be taken for maintaining the seizure and securing condemnation?

Mr. Hammond was further pleased to state that he was directed by your lordship to request that we would take these matters into our consideration without delay and report our opinion upon the several points stated by him, and generally on the whole case, at our earliest convenience.

And that we should judge whether it might not be desirable to report separately upon the first and second points, which would seem more especially to call for immediate attention.

In obedience to your lordship's commands we have taken these papers into our consideration and have the honor to report—

That we are of opinion, with respect to the first question sub-
[406] mitted to us that the *answer to parties who have a right to make the inquiry should be that the seizure has been made by the orders of Her Majesty's government, under the authority of the proceedings of the foreign-enlistment act.

With respect to the second question we are of opinion that it would be expedient to allow the workmen of Messrs. Laird to continue on board and proceed with the completion of the vessels, taking care to preserve evidence of the exact condition of the vessel at the time of seizure, and also letting it be understood by Messrs. Laird that whatever they may do is upon their own responsibility, and that Her Majesty's government are not to be regarded as giving any sanction thereto, which may prevent them from offering evidence hereafter of anything which may be so done.

With respect to the third question, we are of opinion that the solicitor of the customs should be instructed forthwith to obtain the utmost amount of legal evidence, both as to the general facts, such as were proved in the case of the Alexandra, and as to the particular circumstances of these vessels, which must, of course, be appraised before the filing of the information, in the usual manner.

Attention should be particularly directed to the proof of those matters of which the government have received information from their agents abroad, and especially from Consul Colquhoun and Captain Hore, for which purpose it may not improbably be necessary that a commission should issue for the examination of witnesses in Egypt, France, and elsewhere.

We have, &c.,

(Signed) ROUNDELL PALMER.
R. P. COLLIER.
R. J. PHILLIMORE.

P. S.—Since preparing this report we have received Mr. Hammond's letter bearing date 15th instant, and its inclosures, with reference to which we propose to make a further report.

R. P.
R. P. C.
R. J. P.

No. 133.

Mr. Bruce to Mr. Hammond.

WHITEHALL, *October* 20, 1863. (Received October 20.)

SIR: I am directed by Secretary Sir George Grey to transmit to you, for the information of Earl Russell, the inclosed copy of a letter from Messrs. Townsend and Jackson, containing a report as to the steam-rams which are in course of construction at Birkenhead.

I am, &c.,
(Signed) H. A. BRUCE.

[Inclosure in No. 133.]

Messrs. Townsend and Jackson to Mr. Greenwood.

BIRKENHEAD, *October* 19, 1863.

DEAR SIR: We learn, on what we consider good authority, that the builders have given orders to put as many men as possible to work overtime at 'the ram No. 1, *i. e.*, a day and a half each in lieu of a day, their object being to have her complete in every respect against the time when the judgment of the court is given in the case of the Alexandra.

We are, &c.,
(Signed) TOWNSEND AND JACKSON.

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[407] *No. 134.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *October* 20, 1863.

SIR: I am directed by Earl Russell to request that you will acquaint the lords commissioners of Her Majesty's treasury that his lordship has thought it necessary specially to consult the law-advisers of the Crown with reference to certain questions more immediately arising out of the seizure of the iron-clad vessels under construction by Messrs. Laird, of Birkenhead; and I am to state to you, for the information of their lordships, and in order that they may give corresponding instructions to their subordinate officers—

1. That if any questions should be asked as to the authority under which the vessels have been seized, the answer to parties who have a right to make this inquiry should be, that the seizure has been made by the orders of Her Majesty's government under the authority of the foreign-enlistment act.

2. That it would be expedient to allow the workmen of Messrs. Laird to continue on board and proceed with the completion of the vessels, taking care to preserve evidence of the exact condition of the vessels at the time of seizure, and also letting it be understood by Messrs. Laird that whatever they may do is upon their own responsibility, and that Her Majesty's government are not to be regarded as giving any sanction thereto, which may prevent them from offering evidence hereafter of anything which may be so done.

3. That the solicitor of the customs, with the assistance and co-operation of the solicitor of the treasury, should forthwith obtain the utmost amount of legal evidence, both as to the general facts, such as were proved in the case of the Alexandra, and as to the particular circum-

stances of these vessels, which must, of course, be appraised before the filing of the information in the usual manner.

Attention should be particularly directed to the proof of those matters of which the government have received information from their agents abroad, and especially from Consul General Colquhoun and Captain Hore, for which purpose it may not improbably be necessary that a commission should issue for the examination of witnesses in Egypt, France, and elsewhere.

I am, &c.,
(Signed) E. HAMMOND.

No. 135.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
October 20, 1863. (Received October 20.)

SIR: With reference to the letter of this board of yesterday's date, forwarding copies of two letters from Messrs. Laird, relating to the iron-clad vessels which they are building, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the consideration of Earl Russell, the inclosed copy of a letter, dated this day, from the board of customs, with copies of the accompanying papers relating to the proposed trial-trip of the El Tousson, one of these vessels.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 135.]

Mr. Dickins to Mr. Hamilton.

CUSTOM-HOUSE, *October* 20, 1863.

SIR: I am directed to transmit to you the annexed copy of a report of the collector of this revenue at Liverpool, dated the 19th instant, forwarding a letter from Messrs. Laird Brothers, requesting that the iron-clad steamer El Tousson, now under detention at Birkenhead, may be allowed to proceed on a trial-trip, and I am to signify the request of the board to be favored with the directions of the lords commissioners of Her Majesty's treasury on the application.

I am, &c.,
(Signed) GEO. DICKINS.

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[408] *[Inclosure 2 in No. 135.]

Mr. Edwards to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, October* 19, 1863.

HONORABLE SIRS: I have just received the inclosed letter from the Messrs. Laird Brothers, respecting the intended trial-trip of one of the iron-clad steamers, and beg to submit the same to the board, in order that I may be instructed how to act. I also transmit a note from the builders to me, stating that a similar application had been forwarded to the treasury.

With reference to the observations regarding the possibility of the ship being taken forcible possession of, I am respectfully of opinion that there never existed any such intention, and that the Crown has nothing to fear as to the ship not returning. Besides, there is a sister ship in our possession of the value of £105,000, which is ample guarantee for the safe custody of the vessel about to be tried; not that I for a moment doubt the fair dealing of the builders.

Respectfully, &c.,
(Signed) S. PRICE EDWARDS.

[Inclosure 3 in No. 135.]

Messrs. Laird Brothers to Mr. Edwards.

BIRKENHEAD IRON-WORKS, *Birkenhead, October* 19, 1863.

SIR: Referring to the several communications we have had with you respecting the trial-trip of the iron-clad steamer El Tousson, now in course of completion in the great float, and the decision come to on or about the 21st of September last to postpone the trial trip until the work on board was in a more advanced state toward completion, we now beg to inform you that the work is now in such a state of progress as to make it desirable to have a trial-trip to test the working of the machinery; and we therefore shall be glad to know whether, with the information Her Majesty's government have been able to obtain since the date of our former letter, they still consider that the precautions of having a force of seamen and marines on board are necessary to protect our property.

We propose that the trial-trip shall take place about the end of this week or the beginning of the week after, say some day between the 22d and 29th instant, and that it should not extend beyond what is considered the limits of the port, or within sight of the light-ship.

No circumstances have come to our knowledge to induce us to apprehend any attempt to take forcible possession of the vessel on her trial-trip; and after the fullest inquiry we are satisfied that if any such project ever existed in the port of Liverpool, the real facts of the case would have been discovered before this, and the parties implicated placed under such surveillance as to render the execution of this design impossible.

We remain, &c.,
(Signed) LAIRD BROS.

No. 136.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 20, 1863. (Received October 20.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter, dated the 19th instant, from Captain Inglefield, of the Majestic, together with copies of his correspondence with Messrs. Laird respecting the steps necessary to be taken to maintain the seizure of the iron-clad ship El Mounassir, in course of completion in their graving-dock at Birkenhead.

I am, &c.,
(Signed) A. PAGET.

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[409] *[Inclosure 1 in No. 136.]

Captain Inglefield to the secretary to the admiralty.

MAJESTIC, *Rock Ferry, October* 19, 1863.

SIR: I have the honor to forward you copies of a correspondence which I have had with Messrs. Laird upon the subject of the El Mounassir, now lying in their graving-dock, and which vessel, compared with the El Tousson, is in so backward a state that I did not conceive it necessary to take the precautions authorized by your letter of the 9th instant, viz, to effect and maintain the seizure, &c., by putting a body of seamen and marines on board, but I availed myself of your permission to provide in such other manner as may seem most advisable under the circumstances.

Messrs. Lairds' letter of the 12th instant has reference to a proposal which I considered, under the circumstances, would be a sufficient guarantee for the safety of the El Mounassir, a custom-house officer being actually in charge.

My reply of the 14th instant was couched in terms as courteous as possible, Messrs. Laird seeming to infer that a doubt of their good faith was implied by my suggestion.

The rejoinder from the Messrs. Laird of the 14th instant is the final reply from those

gentlemen, and I have waited until to-day to forward these communications, that I might assure myself of the validity of the precautions I have adopted in the case of this vessel. I trust that this may meet with their lordships' approval; and I have only further to remark that the El Mounassir, being a considerable distance from either this ship or the gun-boat, it would be very inconvenient to adopt a more rigorous surveillance, independent of the difficulties, under any circumstances, of placing a guard in the crowded yard of the Messrs. Laird.

I have, &c.,
(Signed) A. E. INGLEFIELD.

[Inclosure 2 in No. 136.]

Messrs. Laird Brothers to Captain Inglefield.

BIRKENHEAD IRON-WORKS, *Birkenhead, October* 12, 1863.

SIR: Understanding from you that you have received instructions from Her Majesty's government to take such precautions as you may deem necessary to prevent the iron-clad El Mounassir (now being completed in our graving-dock) from being forcibly taken away without our consent, and consequently nullifying the engagement which exists between us and Her Majesty's government in respect to this vessel, and as the vessel cannot be removed from our graving-dock without lifting the caisson at the entrance, and thus affording free egress to the river, we hereby engage to give you notice of our intention to lift the caisson for the purposes of working our dock, so that you may take such steps as you may think necessary to protect our property against the attempt which Her Majesty's government apprehend.

We are, &c.,
(Signed) LAIRD BROS.

[Inclosure 3 in No. 136.]

Captain Inglefield to Messrs. Laird Brothers.

MAJESTIC, *Rock Ferry, October* 14, 1863.

GENTLEMEN: I beg to acknowledge the receipt of your letter of yesterday, engaging to give me reasonable notice of your intention to lift the caisson of the graving-dock, in which the iron-clad vessel El Mounassir is now being completed; and, in reference to our conversation yesterday, regarding the possibility of any of your work-people being induced to open the sluices without your cognizance, and by which in one tide the caisson might be floated out of its position, and the iron vessel thereby withdrawn into the river, I consider your proposal that the keys whereby these sluices are worked should be removed from the place where they are at present kept to another of greater security, under your personal care, is deserving of my thanks, and is again
[410] suggestive *of the good faith which has marked your transactions with me in this unpleasant matter.

Allow me to take this opportunity of assuring you that, as far as I have been informed, such has never been doubted by those authorities, who, for other reasons, have considered it necessary to place your iron vessels under the surveillance of the customs.

I have only further to request that you will let me be informed of your intention to open your graving-dock at least twenty-four hours before the time to float the caisson, and thus admit of my making, by personal interview, an arrangement for the security of your vessel.

Further, having a specific duty to perform, I beg you will not misunderstand me, or imagine I am actuated by a want of confidence in your assurances, should I find at a later period it becomes my duty to absolve you from your present engagement to me, and take such other precautions as the then progress of the iron-clad vessel toward completion would justify.

In the mean time I am satisfied that the present arrangements are sufficient, and, as you expressed to me, doubtless more convenient to yourselves, than placing a party of men as a guard upon your premises.

I am, &c.,
(Signed) E. A. INGLEFIELD.

[Inclosure 4 in No. 136.]

Messrs. Laird Brothers to Captain Inglefield.

BIRKENHEAD IRON-WORKS, *Birkenhead, October* 14, 1863.

SIR: We beg to acknowledge the receipt of your letter of this date, in which you state that you have received our letter of the 12th, in which we engage, for the reasons enumerated therein, to give you reasonable notice of our intention to lift the caisson for the purpose of working our dock, so that you may take such steps as you may think necessary to protect our property against any forcible abduction which Her Majesty's government apprehends.

And further, that you understood from the conversation that we had yesterday regarding the possibility of our people being induced to open the sluices without our cognizance, and by which in one tide the caisson might be floated out of its present position, and the iron vessel thereby withdrawn into the river, that we undertook that the keys whereby these sluices are worked should be removed from the place where they are at present kept to another of greater security under our personal care.

We beg to inform you that we are quite prepared to confirm the engagement given in our letter of the 12th, but you are under a misapprehension in supposing that we undertook that the keys whereby these sluices are worked should be removed from the place where they are at present kept to another of greater security under our personal care, as we are not prepared to remove the keys of the sluices from under the care of the superintendent of our docks, in whose good faith and discretion we have implicit reliance, and we have given him special instructions to place the keys in a place of security, under lock and key, which we know he has done.

With regard to the other part of your letter, we offer no opinion as to the necessity or otherwise which the proceedings of Her Majesty's government have taken or may think fit to take in relation to this vessel; nor do we admit that the engagement given by us is intended as an admission on our part that one arrangement for carrying out these proceedings is more convenient than another; but we undertake that we will give you reasonable notice of our lifting the caisson, through which alone egress can be had to the river, so that you may take such steps as you think necessary to protect our property against the attempt which Her Majesty's government apprehends; and, as you have informed us that you think at least twenty-four hours' notice is necessary to admit of your making, by a personal interview, an arrangement for the security of our vessel, we will endeavor to give you not less than this length of notice.

We are, &c.,
(Signed) LAIRD BROS.

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[411] *No. 137.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *October* 20, 1863.

SIR: I am directed by Earl Russell to transmit to you herewith a copy of a letter which, by his lordship's direction, I have addressed to the treasury,[1] relative to certain questions more immediately arising out of the seizure of the iron-clad vessels at Birkenhead, with reference to which it has been thought necessary specially to consult the law-advisers of the Crown.

I am, &c.,
(Signed) E. HAMMOND.

No. 138.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *October* 21, 1863.

SIR: I have laid before Earl Russell your letter of the 19th instant, inclosing copies of two letters from Messrs. Laird.

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[1] No. 134.

It appears from these letters—

1. That Messrs. Laird are desirous to be allowed to make a trial-trip with one of the iron-clads built by them, and now under seizure.

2. That they seek, while making that trial-trip, to be relieved from the obligation imposed on them before the vessel was seized, of having on board during the trial-trip which some time since was under contemplation, a party of seamen and marines sufficient to insure the vessel against any attempt to run away with her.

I am to request that you will acquaint the lords commissioners of Her Majesty's treasury, that after what happened in the case of the Alabama, Lord Russell can by no means consent on the part of the foreign office to any trial whatever taking place until the legal character of both the vessels has been decided according to law.

Lord Russell could not have consented, even if a trial-trip had been allowed, to its being made without the precaution, long since prescribed, of an armed party being on board sufficient to insure the vessel being brought back into port; and still less can his lordship now consent to the armed force which is stationed so as to uphold the custom-house officers in possession of the vessel being removed from their position, which would be nearly equivalent to replacing the Messrs. Laird in full possession of the vessels, which are now held for the Crown.

I am, &c.,
(Signed) E. HAMMOND.

No. 139.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *October* 21, 1863.

SIR: I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of the admiralty, a copy of a letter which his lordship has caused to be addressed to the treasury,[1] in reply to one from that department, inclosing two applications from Messrs. Laird on the subject of the iron-clad vessels, in their yard at Birkenhead, which have been seized on behalf of the Crown.

I am, &c.,
(Signed) E. HAMMOND.

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[412] *No. 140.

The law-officers of the Crown to Earl Russell.

LINCOLN'S INN,
October 21, 1863. (Received October 21.)

MY LORD: We are honored with your lordship's commands, signified in Mr. Hammond's letter of the 15th October instant, stating that, with reference to his letter of the 10th instant on the subject of the iron-clads under seizure at Liverpool, he was directed by your lordship to transmit to us therewith further correspondence respecting those vessels, to be considered with the other papers then before us.

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[1] No. 138.

We are also honored with Mr. Hammond's second letter, of the 15th instant, stating that he was directed by your lordship to send us confidentially a copy of a dispatch received from Her Majesty's consul-general in Egypt, respecting M. Bravay's communications with the Viceroy of Egypt on the subject of the iron-clads.

We are also honored with Mr. Hammond's letter of the 19th instant, transmitting copy of a letter from the secretary of the treasury, inclosing copies of two letters from Messrs. Laird, respecting the seizure of these vessels and requesting to be allowed to take one of them on a trial-trip. He was also pleased to inclose, for our complete information in regard to what has passed with reference to these vessels, some further correspondence with the board of treasury.

We are also honored with Mr. Hammond's second letter, of the 19th instant, transmitting a further paper, relative to the iron-clads at Liverpool.

We are also honored with Mr. Hammond's letter of the 20th instant, stating that, with reference to his letter of the 19th instant, inclosing a letter from the treasury, with the letters of Messrs. Laird therein referred to, in which they apply for permission to make a trial-trip with one of the iron-clads now under seizure, and without the presence on board of a guard to insure her being brought back into port, he was to transmit to us a draught of a letter which your lordship proposes to address to the treasury in reply; and to request that we would take the same into consideration and report to your lordship our opinion thereupon.

We are also honored with Mr. Hammond's second letter, of the 20th instant, stating that he was directed by your lordship to acquaint us, with reference to the latter part of our report of the 19th instant, that your lordship will be ready at once, and at any future time, to require the presence in England of Mr. William Grey, secretary of Her Majesty's embassy at Paris, and of Captain Hore, if we should wish to have any personal communication with them; that, as regards Mr. Colquhoun, Her Majesty's agent and consul-general in Egypt, your lordship would not wish to bring him over to England from Egypt until the trial comes on, and, therefore, if the evidence to be obtained from Egypt is desired before that time, a commission might be sent; that, there is a legal vice-consul in Egypt, Mr. Albany Fonblanque, who might, if necessary, be employed on such a commission if Mr. Colquhoun should be incapacitated as a witness from being so.

We are also honored with Mr. Hammond's third letter, of the 20th instant, transmitting a copy from Messrs. Townshend and Jackson, of Birkenhead, to the solicitor of the treasury, respecting the exertions made by the builders to complete one of those vessels.

In obedience to your lordship's commands, we have taken these papers into consideration, and have the honor to report—

That, with reference to Mr. Hammond's letter of the 15th instant and to the papers previously sent to us, we wish to take this opportunity of observing that Her Majesty's government appear to be in a position to justify the seizure of these vessels by sufficient evidence that they were originally intended for the Confederate States, and, if this fact should be established, we think it will be for the Messrs. Laird or M. Bravay to show, if they can, that there was such a real and *bona-fide* transfer of the original contract to M. Bravay as gave him an independent control over the vessels and their destination, in which case the further question would arise whether M. Bravay, in fitting them out at Liverpool, had a fixed intention that they should be employed in the confederate service. This question depending, as it in great measure may, upon moral and

circumstantial evidence, makes it important to exclude, if possible, the supposition which Mr. Colquhoun's letter of the 6th October still leaves in some degree open, that M. Bravay may really have contemplated a sale of these vessels to the Turkish through the Egyptian government, and it is very desirable that the communications between M. Bravay and the Pasha of Egypt should be brought to some definite conclusion, with respect to which our present information is not satisfactory, having
[413] regard more *especially to the statement that the Pasha desired the designs of the vessels to be sent out to him for inspection.

With respect to Mr. Hammond's letter of the 20th instant and the inclosed draught of your lordship's proposed letter to Messrs. Laird, we are of opinion that the latter is right and proper to be sent. It might have been possible, consistently with the principle upon which Messrs. Laird are permitted to remain on board and complete the vessels, to allow a trial-trip, under sufficient precautions, without prejudice to the title of the Crown by seizure, and that course might have been recommended, if regard were principally paid to the risk of damages in the event of the seizure not being upheld. But, in all the circumstances of the case, we are not prepared to express any dissent from the conclusion at which your lordship appears to have arrived.

With regard to Mr. Hammond's second letter, of the 20th instant, the communication therein contained had better, in our opinion, be reserved for future consideration, together with the whole subject of the evidence to be produced in support of the recent seizure.

We have, &c.,
(Signed) ROUNDELL PALMER.
ROBERT P. COLLIER.
ROBERT PHILLIMORE.

No. 141.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
October 21, 1863. (Received October 21.)

SIR: With reference to your letter dated this day, I am commanded by my lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copy of a letter which their lordships have this day caused to be addressed to Messrs. Laird, relating to the proposed trial-trip of one of their iron-clad vessels, the El Tousson.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 141.]

Mr. Hamilton to Messrs. Laird Brothers.

TREASURY CHAMBERS, *October* 21, 1863.

GENTLEMEN: In reply to your letters of the 17th instant, relating to the iron-clad vessels which you are fitting out, I am commanded by the lords commissioners of Her Majesty's treasury to inform you that, after duly weighing all the circumstances of the case, Her Majesty's government are unable to consent to the trial-trip of one of those vessels, the El Tousson, taking place as proposed by you; neither can they allow

the removal of the armed force which is stationed for the purpose of upholding the custom-house officers in possession of the vessels.

I am, &c.,
(Signed) GEO. A. HAMILTON.

No. 142.

Mr. Hamilton to the secretary to the admiralty.

FOREIGN OFFICE, *October* 21, 1863.

SIR: I have laid before Earl Russell your letter of yesterday, inclosing copy of a letter from Captain Inglefield, of Her Majesty's ship Majestic, with the correspondence with Messrs. Laird, therein referred to, respecting the iron-clad No. 2, now under seizure in Messrs. Laird's graving-dock, at Liverpool; and I am to request that you will acquaint the lords commissioners of the admiralty that Lord Russell fully relies on Captain Inglefield's vigilance and zeal in maintaining the officers of the customs in safe possession of both the iron-clads until such time as the questions affecting those vessels are decided in a court of law.

[414] *Captain Inglefield will, of course, feel himself justified in putting a guard of marines on board the iron-clad No. 2, if he should be of opinion that circumstances render it expedient to do so.

Lord Russell would be glad to know Captain Inglefield's opinion on the point of allowing Messrs. Laird's workmen to continue their work for the completion of either or both of the vessels.

I am, &c.,
(Signed) E. HAMMOND.

No. 143.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *October* 22, 1863.

SIR: I am directed by Earl Russell to transmit to you, for the information of the lords commissioners of Her Majesty's treasury, a copy of a letter which his lordship has caused to be addressed to the admiralty[1] respecting the measures to be adopted by Captain Inglefield with a view to maintaining the officers of the customs in safe possession of both the iron-clad vessels in course of construction at Birkenhead, and requesting Captain Inglefield's opinion on the point of allowing Messrs. Laird's workmen to continue their work for the completion of either or both of the vessels.

I am, &c.,
(Signed) E. HAMMOND.

No. 144.

Earl Russell to Mr. Colquhoun.

FOREIGN OFFICE, *October* 23, 1863.

SIR: With reference to your dispatch of the 6th instant and to your telegram of the 16th instant, I have to state to you that it may be very

[1] No. 142.

important, in the proceedings which will be instituted for the condemnation of the iron-clads now under seizure by the Crown, that the Crown should be able to show that the supposition that M. Bravay may really have contemplated a sale of those vessels to the Porte through the Viceroy of Egypt has no real foundation, and also that the nature of the communications between M. Bravay and the Viceroy in regard to these vessels, and the result thereof, should be clearly established, more especially with reference to the statement that the Viceroy desired the designs of the vessels to be sent out to him for inspection.

As it is important that the information now sought should be given in such a shape as to admit of its forming an element in determining the course which the law-officers of the Crown may take in proceeding against the vessels, you would do well to communicate confidentially with Mr. Legal Vice-Consul Fonblanque as to the precise form in which the information should be sent home.

I am, &c.,
(Signed) RUSSELL.

No. 145.

Mr. Colquhoun to Earl Russell.

[Telegraphic.]

CAIRO, *October* 24, 1863. (Received October 24.)

The Viceroy informs me he positively refused acceptance of any of Bravay's contracts within a few days after his accession, that is to say, probably about the 30th of January.

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[415] *No. 146.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 24, 1863. (Received October 24.)

SIR: With reference to your letter of the 21st instant, I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Captain Inglefield, of the Majestic, stating that he does not consider it expedient to suspend the works now going forward on board the iron-clads now under seizure at Birkenhead.

My lords desire me to state that another gun-boat has been ordered to be sent to Liverpool immediately to assist Captain Inglefield to maintain the seizure.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 146.]

Captain Inglefield to the secretary to the admiralty.

MAJESTIC, *Rock Ferry, October* 23, 1863.

SIR: I have the honor to acknowledge your letter of the 22d instant, inclosing a copy of a letter dated the 21st of October from the secretary of state for foreign affairs, re-

questing my opinion "on the point of allowing Messrs. Laird's workmen to continue their work for the completion of either or both of the iron-clad vessels."

After mature consideration I am of opinion—

1st. That when the vessel now in Messrs. Laird's graving-dock is nearly completed it will be prudent to have her more entirely under surveillance, by placing a dispatch-vessel or gun-boat in the river opposite Messrs. Laird's yard. Under these conditions, together with the provision already made, I have no apprehension that either vessel could be forcibly carried out of British waters.

2dly. That the suspension of the work on board these vessels (by which a large body of men would be thrown out of employment) would tend materially to increase the ill-feeling which has been already exhibited by the Messrs. Laird's operatives and others toward the executive employed in supporting the custom-house officers in maintaining the seizure of the iron-clads.

3dly. Under these circumstances, I do not conceive that it becomes necessary, nor would it, perhaps, be expedient, to suspend the works now going forward on board the iron-clad vessels under seizure.

I am, &c.,
(Signed) E. A. INGLEFIELD.

No. 147.

Mr. Hammond to Khalil Effendi.

FOREIGN OFFICE, *October* 24, 1863.

SIR: I suggested to you some time ago that, as the Porte was desirous of purchasing the iron-clad steamers building by Messrs. Laird, at Birkenhead, you had better apply directly to the builders.

Will you have the goodness to inform me whether you made any such application to Messrs. Laird; and, if so, what answer you received?

I have, &c.,
(Signed) E. HAMMOND.

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[416] *No. 148.

Khalil Effendi to Mr. Hammond.

BRYANSTONE SQUARE, *le* 24 *octobre* 1863.
(Received October 24.)

MONSIEUR: Conformément au désir que vous m'exprimez dans votre lettre d'aujourd'hui, j'ai l'honneur de vous informer qu'après avoir reçu de mon gouvernement une autorisation spéciale, j'écrivis, le 9 de ce mois, à Messrs. Laird et cie. pour leur demander si les deux bâtiments cuirassés construits par eux étaint à vendre, et dans ce cas à quel prix ils nous les céderaient. Messrs. Laird me répondirent le 16 courant pour me dire qu'ils avaient écrit à Messrs. A. Bravay et cie., et que ceux-ci, en l'absence d'un de leurs associés, ne pouvaient réprondre à mes questions avant trois ou quatre jours. Depuis lors, je n'ai rien reçu, et je suis toujours dans l'attente.

Cependant, je dois vous informer que notre ambassadeur à Paris a reçu, en même temps que, moi des instructions pour faire auprès de Messrs. Bravay une semblable démarche, dont j'ignore le résultat.

J'ai, &c.,
(Signé) KHALIL.

No. 149.

Earl Cowley to Earl Russell.

[Telegraphic.]

PARIS, *October* 25, 1863—2.15 p. m. (Received October 25.)

I learn that M. Bravay told the Turkish ambassador that he was ready to enter into negotiations for sale of the iron-clads if he were free from his engagement to show the vessels, or plans of them, to the Viceroy. The Turkish ambassador has telegraphed to his government stating this, but has not yet received an answer from Constantinople.

No. 150.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
October 26, 1863. (Received October 26.)

SIR: With reference to the letter from this board of the 21st instant, inclosing copy of a letter addressed to Messrs. Laird, the builders of the iron-clad vessels at Birkenhead, by order of their lordships, on the same date, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the consideration of Earl Russell, the inclosed copy of a further communication, dated 24th instant, from the Messrs. Laird, renewing their application to be permitted to make the trial-trip of the El Tousson, one of the vessels in question.

I am, &c.,
(Signed) GEO. A. HAMMOND.

[Inclosure in No. 150.]

Messrs. Laird Brothers to Mr. Hamilton.

BIRKENHEAD IRON-WORKS, *Birkenhead, October* 24, 1863.

SIR: We beg to acknowledge receipt of your letter of 21st instant, in which you inform us that Her Majesty's government, after duly weighing all the circumstances of the case, are unable to consent to the trial-trip of one of the vessels, the El Tousson, taking place as proposed by us.

We beg to state that we did not propose that the trial-trip should take place under any other conditions than were set forth in their lordships' letter of the 19th September, unless, from information received since the date of that letter, their lordships should think it no longer necessary to place a force of seamen and marines on board to protect our property. On the contrary, if Her Majesty's government still apprehend any attempt, we will gladly avail ourselves, as already stated in our letter of 21st
[417] *September, of any protection Her Majesty's government may think necessary to defeat any such attempt.

We therefore respectfully renew our application to make the trial trip in the course of next week, or within any other suitable time.

We are, &c.,
(Signed) LAIRD BROS.

No. 151.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 26, 1863. (Received October 26.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter, dated the 25th instant, from Captain Inglefield, of Her Majesty's ship Majestic.

From its contents it would appear probable that, in spite of the precautions which have been taken by direction of Her Majesty's government, an attempt may be made to carry one or both of the iron-clads constructed by Messrs. Laird to sea.

My lords are quite prepared, if Earl Russell thinks it desirable, to send the Prince Consort to anchor at the mouth of the Mersey.

They desire at the same time to state that, under certain unfavorable states of the weather, it might be possible, if one of these vessels escaped from her present position, that she might pass without observation from the crew of the Prince Consort, and, in case of her venturing to sea in a thick fog, a chase might prove ineffectual.

Under these circumstances my lords would suggest whether the vessels should not be entirely taken possession of by authority of Her Majesty's government, the works on them stopped, the vessels themselves removed, for safer custody, to a different part of the river, and placed under the sole charge of the officers of the customs and Captain Inglefield.

There appears to be so much ill-feeling on the part of the artisans who have been employed on these vessels against the seamen and marines who have been employed in their custody, that my lords consider it desirable the latter should be entirely removed from the yard of Messrs. Laird and the neighborhood as soon as the workmen have been obliged to discontinue the completion of the vessels.

By removing the vessels to a distance from Messrs. Laird's yard and from the great float, the chances of collision will be much diminished.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 151.]

Captain Inglefield to Vice-Admiral Sir F. Grey.

[Private.]

MAJESTIC, *Rock Ferry, October* 25, 1863.

MY DEAR SIR: I send you by to-night's post a plan to show the present position of the iron-clad rams.

On Saturday morning there was a dense fog, and I early received confidential information that 200 of Laird's work-people had remained in the yard all night.

I was therefore anxious about the opening of the caisson at half past 7, but I had arranged the night before to have a ferry-steamer in readiness to tow a boat in the morning, in case it was requisite.

I really required her, because, from an interview I had with the Messrs. Laird, (Friday afternoon,) I learned they could not be answerable for the conduct of their people (of which 100 might be embarked) if I put a party of our men on board the El Mounassir, and, further, that it would be necessary to take that vessel out of the basin by a tug, which I knew by name to be one of the most powerful in the river.

Considering that one back-turn of the tug's wheels might send our pinnace and crew to the bottom, (should it be found necessary to board,) I determined to send a fast steamer which would be quite a match for the tug-boat, and could act, in case of necessity, to take forcible possession.

Owing to the dense fog, however, yesterday morning, the captain of the ferry-
[418] *boat refused, on his own responsibility, to move in the river. I did not hesitate, with the information I then possessed, to take this upon myself.

In charge of the senior lieutenant, with the pinnace in tow, she reached the graving-dock and returned safely in two hours, the fog having been too thick to move the iron-cased ram when the caisson was lifted. On Monday it will be again attempted.

If an effort is made to carry off the rams, I think it will either be at night or in such thick weather as we constantly experience at this time of year.

Unless the gun-boat arrives to-day, I must employ the ferry-boat to-morrow morning, for, though the El Mounassir is not masted, nor are her turrets on board, she is nevertheless an available iron-cased ram, which would be of considerable service (even in her present condition) for breaking a blockade.

I have troubled you with these particulars in explanation of an expense that ultimately may be questioned. I take this occasion also to inform you that, when I was under apprehension of an intended escape during the first stages of the seizure, I made arrangements with the proprietor of the Rock Ferry steamers to keep the fires of one of his fastest vessels banked during the night, to be ready nominally to carry a telegram for me to Liverpool, when the regular communication had ceased, but really I proposed to employ her (on receipt of a preconcerted signal) to embark 60 armed men at a few minutes' notice, and so to put myself speedily in a position to support the authority of the custom-house officers.

The arrival of the Heron, or Britomart, which I am looking for anxiously, and for which I am under much obligation to you, will obviate the necessity of again seeking the assistance of the ferry-boat, and I trust the trifling expense I have incurred will be approved. At present it appears hardly a matter that I can represent officially, and the proprietor of the steamers will make no charge, but, as their services might have proved invaluable, and every facility was afforded by him, I hope I may be authorized to make due acknowledgment thereof, though I beg also to remark that he is still quite ignorant of the purposes for which I intended his vessel.

Yesterday I closely inspected the El Tousson. Her boats are now on board and at her davits; her turrets are very nearly completed, and, excepting stores, she can be ready for sea almost any day. I am hitherto not instructed if she should be allowed to provision or put more coal on board. I have taken upon myself not to permit the boilers to be run up or the fires laid, even for presumed experimental purposes.

I am, &c.,
(Signed) E. A. INGLEFIELD.

No. 152.

The law-officers of the Crown to Earl Russell.

LINCOLN'S INN, *October* 26, 1863. (Received October 26.)

MY LORD: We are honored with your lordship's commands, signified in Mr. Hammond's letter of this day's date, stating that he was directed by your lordship to transmit to us therewith, with reference to his letter of the 24th instant, a copy of a further letter from the admiralty, together with a copy of the letter from Captain Inglefield, of Her Majesty's ship Majestic, therein referred to, by which we should see that serious apprehensions are entertained lest an attempt should be made to run away with one or both of the iron-clads now under seizure at Birkenhead, and to request that we would take this matter into our immediate consideration, and report to your lordship our opinion at our earliest convenience as to the course which, under the circumstances set forth in the inclosed papers, should be adopted.

Mr. Hammond was also pleased to state that he at the same time inclosed a letter from the treasury covering a further application from Messrs. Laird to be allowed to make a trial-trip with iron-clad No. 1, and that your lordship would be glad to have our opinion on this point also.

In obedience to your lordship's commands, we have taken these papers into our consideration, and have the honor to report—

That it is, of course, for Her Majesty's government to exercise their discretion as to the existence of sufficient practical reasons for displacing the workmen and removing these vessels from their present position at Birkenhead, a course which we should not have recommended except in circumstances of an extraordinary character.

Assuming, however, that Her Majesty's government are satis-
[419] fied of the existence *of such reasons, we are of opinion that it is competent to them to direct those vessels to be detained in any place which the commissioners of Her Majesty's customs may think fit to order, under section 223 of 16 and 17 Vict., cap. 107, (the customs-law consolidation act,) which is incorporated, by reference, into the foreign-enlistment act, (59 Geo. III, cap. 69, sec. 7.) Before doing so, however, or at least as nearly at the same time as possible, we think that such a notice, in writing, of the seizure and of the grounds thereof,[1] as is contemplated by section 226 of the same statute, should be given (if this has not already been done) by the seizing officer to Messrs. Laird, and also by letter, to be sent in due course, by post, to M. Bravay. With respect to Messrs. Lairds' renewed application for a trial trip, we presume that your lordship sees no reason, especially considering the circumstances disclosed by Captain Inglefield's letter, to alter your former determination, and therefore that the answer to that application will be in the negative.

We have, &c.,

(Signed) ROUNDELL PALMER.
R. P. COLLIER.
R. J. PHILLIMORE.

No. 153.

The law-officers of the Crown to Earl Russell.

LINCOLN'S INN, *October* 26, 1863. (Received October 26.)

MY LORD: We are honored by your lordship's commands, signified in Mr. Hammond's letter of the 24th instant, stating that he was directed by your lordship to transmit to us the accompanying letters from the admiralty, inclosing copies of reports received from Captain Inglefield on the question as to allowing the workmen to continue on board the iron-clads which have been seized at Birkenhead, and to request that we would take the same into consideration and favor your lordship with our opinion, at our early convenience, with reference to the course which should be adopted in respect to the ill-feeling displayed by the workmen in Messrs. Lairds' yard, as stated in these reports.

Mr. Hammond was also pleased to state that he inclosed a draught of a letter which had that day been addressed to the admiralty, from which we should see that your lordship has expressed your willingness to be guided by Captain Inglefield's opinion as to the continuance of the work on these vessels.

In obedience to your lordship's commands, we have taken these papers into consideration, and have the honor to report—

That the answer returned to the admiralty by your lordship appears to us to be quite proper, and in accordance with our former advice.

With respect to the ill feeling displayed by the workmen in Messrs. Lairds' yard, it does not appear to us that any measure is necessary to

[1] The ground stated should be "a violation of the seventh section of the foreign-enlistment act."—R. P., (for self and colleagues.)

be taken beyond those precautions against any outbreak which (as we presume) the authorities upon the spot must be prepared and able to take.

So far as relates to any attempt to retake possession of the vessel, we collect that Captain Inglefield is confident of his means of preventing such an attempt, if made; and if any other breach of the peace should be attempted, (which we hardly anticipate,) we think it must be dealt with by the civil authorities in the usual way.

(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

No. 154.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *October* 26, 1863.

SIR: I am directed by Earl Russell to request that you will acquaint the lords commissioners of Her Majesty's treasury, with reference
[420] to your letter of this day, *inclosing a copy of a letter from Messrs. Laird, dated October 24, that his lordship is of opinion that the application made by Messrs. Laird in that letter to be allowed to make a trial-trip with the iron-clad El Tousson in the course of this week, or within any other suitable time, should not be complied with.

I am, &c.,
(Signed) E. HAMMOND.

No. 155.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *October* 26, 1863.

SIR: I am directed by Earl Russell to request that you will acquaint the lords commissioners of Her Majesty's treasury that, in consequence of information which has reached this office to-day, his lordship considers it indispensable that full possession should be taken by Her Majesty's government of the two iron-clad vessels now under seizure at Birkenhead; that Messrs. Laird's workmen should be at once removed from on board of them, and that the vessels themselves should, as soon as possible, be removed into the Mersey and moored there in such manner and place as Captain Inglefield, of Her Majesty's ship Majestic, should determine, and that a sufficient guard shall be put on board them to secure them from being interfered with by any parties.

I am to request that you will move the board of treasury to give immediate orders, to the above effect, to the proper authorities of the customs, and to enjoin those authorities to be guided in all their proceedings by the opinion and judgment of Captain Inglefield.

I am, &c.,
(Signed) E. HAMMOND.

P. S.—A copy of this letter has been sent to the board of admiralty, in order that corresponding instructions may be given to Captain Inglefield.

E. H.

No. 156.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *October* 26, 1863.

SIR: With reference to my other letter of this day respecting the seizure of the iron-clads at Birkenhead, I am directed by Earl Russell to request that you will state to the lords commissioners of Her Majesty's treasury, that the law-officers of the Crown have reported that, assuming the existence of sufficient practical reasons for displacing the workmen and removing those vessels from their present position at Birkenhead, they are of opinion that it is competent to Her Majesty's government to direct those vessels to be detained in any place which the commissioners of Her Majesty's customs may think fit to order under section 223 of 16 and 17 Vict., cap. 107, ("the customs law consolidation act,") which is incorporated by reference into the foreign-enlistment act.

The law-officers say, however, that before doing so, or at least as nearly at the same time as possible, such a notice in writing, of the seizure, and of the grounds thereof, as is contemplated by section 226 of the same statute should be given (if this has not already been done) by the seizing-officer to Messrs. Laird, and also by letter to be sent in due course by post to M. Bravay.

The law-officers say that the ground stated should be "a violation of the seventh section of the foreign-enlistment act."

I am, &c.,
(Signed) E. HAMMOND.

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[421] *No. 157.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *October* 26, 1863.

SIR: I have laid before Earl Russell your letter of this day, inclosing a copy of a letter from Captain Inglefield, of Her Majesty's ship Majestic, from which it appears that there are strong grounds for apprehending that attempts may be made to run away with one or both of the iron-clads now under seizure at Birkenhead, and I am directed by his lordship to transmit to you herewith a copy of a letter which, by his lordship's direction, I have addressed to the secretary of the treasury[1] desiring that full possession should be immediately taken of both vessels; that Messrs. Laird's workmen should be immediately removed from on board of them; that the vessels themselves should, as soon as possible, be removed into the Mersey, and stationed there, as Captain Inglefield may determine, and that a sufficient guard should be placed on board them.

I am now to request that you will move the lords commissioners of the admiralty to send instructions and authority to Captain Inglefield to act in conformity with the course laid down in the inclosed letter.

I am to add that Lord Russell concurs in the propriety of the Prince Consort being at once sent to the Mersey.

I am, &c.,
(Signed) E. HAMMOND.

P. S.—I add a copy of a further letter to the treasury,[2] acquainting

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[1] No. 155. [2] No. 154.

them with the opinion of the law-officers of the Crown on the course to be adopted in carrying out the seizure of the vessels.

E. H.

No. 158.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *October* 26, 1863.

SIR: I am directed by Earl Russell to request that you will acquaint the lords commissioners of the admiralty that the law-officers of the Crown, to whom were referred Captain Inglefield's letters of the 23d instant, inclosed in your letters of the 24th instant, have reported to his lordship that, with respect to the ill-feeling displayed by the workmen in Messrs. Laird's yard, it did not appear to them that any measure was necessary to be taken beyond those precautions against an outbreak which, as they presumed, the authorities on the spot must be prepared and able to take; that Captain Inglefield, from his letters, appeared to be confident of his means of preventing any attempt to retake possession of the vessel; and that if any other breach of the peace should be attempted, (which they hardly anticipated,) they thought it must be dealt with by the civil authorities in the usual way.

I am, &c.,
(Signed) E. HAMMOND.

No. 159.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
October 27, 1863. (Received October 27.)

SIR: With reference to your letter of yesterday's date, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copy of a letter which their lordships last evening addressed to the commissioners of customs, directing that full possession should be taken of the two iron-clad vessels now under seizure at Birkenhead.

I am, &c.,
(Signed) GEO. A. HAMILTON.

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[422] *[Inclosure in No. 159.]

Mr. Hamilton to the commissioners of customs.

TREASURY CHAMBERS, *October* 26, 1863.

GENTLEMEN: I am directed by the lords commissioners of Her Majesty's treasury to transmit to you a copy of a letter just received from Mr. Hammond,[1] and I have to request that you will give immediate directions to the officers of the customs at Liverpool, in co-operation with Captain Inglefield, to carry out Earl Russell's instructions.

I am, &c.,
(Signed) GEO. A. HAMILTON.

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[1] No. 155.

No. 160.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
October 27, 1863. (Received October 27.)

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copy of a letter which they have this day caused to be addressed to the board of customs, with reference to your letter of yesterday's date, relating to the detention of the iron-clad steamers fitting in Messrs. Laird's yard at Birkenhead.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 160.]

Mr. Hamilton to the commissioners of customs.

TREASURY CHAMBERS, *October* 27, 1863.

GENTLEMEN: With reference to previous correspondence on the subject of the iron-clad vessels fitting at Birkenhead, I am desired by the lords commissioners of Her Majesty's treasury to transmit to you the inclosed copy of a letter dated 26th instant, from the foreign office,[1] on the subject of the detention of those vessels; and I am to state that Her Majesty's government direct that the iron-clad steamers referred to shall be detained in such place in the river Mersey, or elsewhere, as you shall think fit.

Their lordships request your particular attention to the notices and proceedings to which the law-officers of the Crown, as stated in the inclosed letter, refer under the 223d and 226th sections of the 16th and 17th Vict., cap. 107, and they desire that such notices may be given accordingly.

I am, &c.,
(Signed) GEO. A. HAMILTON.

No. 161.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *October* 27, 1863.

SIR: I am directed by Earl Russell to transmit to you, for the information of the lords commissioners of Her Majesty's treasury, a copy of a letter which his lordship has caused to be addressed to the board of admiralty,[2] with reference to the ill-feeling displayed by the workmen in Messrs. Laird's yard, and to the measures to be adopted in the event of any outbreak taking place.

I am, &c.,
(Signed) E. HAMMOND.

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[423] *No. 162.

Earl Cowley to Earl Russell.

PARIS, *October* 27, 1863. (Received October 28.)

MY LORD: Upon the receipt of your lordship's telegram of the 24th instant, desiring me, with reference to Mr. Grey's dispatch of the 8th

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[1] No. 156. [2] No. 158.

instant, to ask the Turkish embassador the result of his offer to M. Bravay to purchase the iron-clads now lying in Mr. Laird's yards, I requested Mr. Ellis to go to his excellency, and I have now the honor to inclose the copy of a report which Mr. Ellis has made to me of his interview with the embassador.

I have, &c.,
(Signed) COWLEY.

[Inclosure in No. 162.]

Mr. Ellis to Earl Cowley.

PARIS, *October* 27, 1863.

MY LORD: I have the honor to report to your excellency that I called upon the Turkish embassador on Sunday, and that in answer to my question as to whether M. Bravay had accepted the offer of the Ottoman government to purchase the two iron-clads, he stated that he had seen M. Bravay, who had declared himself willing to enter into negotiations for the sale of the ships in question, if he were free from his engagement with the Viceroy of Egypt. The engagement, M. Bravay stated, was a verbal one, and to the effect that he was to show the vessels, or plans of them, to the Viceroy. The Turkish embassador added that he had telegraphed M. Bravay's answer to his government, but that he had not yet received an answer.

I have, &c.,
(Signed) JAMES AGAR ELLIS.

No. 163.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
October 28, 1863. (Received October 28.)

With reference to your letter of the 26th instant, requesting that instructions might be given to the commissioners of customs for taking full possession of the iron-clad vessels at Birkenhead, under seizure by Her Majesty's government, I am desired by the lords commissioners of Her Majesty's treasury to transmit to you, for any observations which Earl Russell may wish to offer thereon, the inclosed copy of a letter, dated this day from the board of customs, together with a copy of the accompanying report from the collector of customs at Liverpool on this subject.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 163.]

Mr. Dickins to Mr. Hamilton.

CUSTOM-HOUSE, *October* 28, 1863.

SIR: I am directed by the board to transmit, for the information of the lords commissioners of Her Majesty's treasury, a copy of a report of the collector of the revenue at Liverpool, stating the steps which he had taken to give effect to the directions contained in your letter dated the 26th instant, inclosing one from the foreign office of the same date, on the subject of the iron-clad vessels building in Messrs. Laird's yard at Birkenhead.

The lords of the treasury having, in their order above referred, desired the board to carry out the intention of Earl Russell, signified in Mr. Hammond's letter of the 26th instant, that the vessels should be removed into the Mersey, and moored in such manner as Captain Inglefield, of Her Majesty's ship Majestic, shall determine, I [424] *am directed to request their lordships' further instructions on that part of their

lordships' order of the 27th instant, directing the vessel to be detained in such place as the board may think fit, and to submit whether it might not be expedient to leave the vessels under the charge and responsibility of Captain Inglefield.

I am, &c.,
(Signed) GEO. DICKINS.

[Inclosure 2 in No. 163.]

Mr. Edwards to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, October* 27, 1863.

HONORABLE SIRS: I received the telegram of the chairman, sent yesterday, relative to the iron-clad vessels building by Messrs. Laird, as well as the letters (which I now return) from the foreign office and treasury by a special messenger; and I have now the honor to state that I immediately proceeded to Birkenhead with a view of carrying out the directions of the board and the treasury, which was to remove the workmen from off the steam-rams, which will be done this evening by the builders, for my only course was to obtain their sanction in the first place, there being about 3,000 or 4,000 men at work on the premises.

The Messrs. Laird at once acquiesced in my wishes, assuring me at the same time that there was not the slightest intention on their part to oppose the government.

The vessel in the Birkenhead float is nearly in a finished state, but that in the graving-dock will not be ready for a considerable time, and had, on the occasion of my visit, about 300 men at work upon her.

I have not as yet seen Captain Inglefield, but I consider that the vessel which is nearly completed is much safer in the Birkenhead docks than she could possibly be in the river, and my opinion is that the other vessel, now in the graving-dock, had better be placed there also.

I have given the necessary notice for the fulfillment of the provisions of the 223d section of the customs consolidation act, stating at the same time that the ground of detention was on account of the violation of the foreign-enlistment act.

I have, &c.,
(Signed) S. PRICE EDWARDS.

No. 164.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *October* 28, 1863.

SIR: I have laid before Earl Russell your letter of this day, inclosing a copy of a letter from the board of customs with the inclosed letter from Mr. Edwards, respecting the disposal of the iron-clads, now taken full possession of by the custom-house authorities, and I am to request that you will acquaint the lords commissioners of Her Majesty's treasury that his lordship entirely concurs in the suggestion of the board of customs that the vessels should be left under the charge and responsibility of Captain Inglefield, which indeed was his lordship's original intention; and I am to request that orders to that effect may be sent without loss of time by telegraph to Liverpool.

A copy of this letter will be sent to the board of admiralty.

I am, &c.,
(Signed) E. HAMMOND.

No. 165.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *October* 28, 1863.

SIR: I am directed by Earl Russell to transmit to you, to be laid

before the lords commissioners of the admiralty, copy of a letter
[425] which his lordship has caused to be *addressed to the board of treasury,[1] stating that he entirely concurs in the suggestion made by the commissioners of customs that the iron-clad vessels at Birkenhead, which have now been taken full possession of by the custom-house authorities, should be left under the charge and responsibility of Captain Inglefield.

I am, &c.,
(Signed) E. HAMMOND.

No. 166.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 28, 1863. (Received October 29.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter dated this day from Captain Inglefield, of Her Majesty's ship Majestic, relative to the measures he proposes to adopt for the custody of the two iron-clad vessels seized at Birkenhead.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 166.]

Captain Inglefield to the secretary to the admiralty.

MAJESTIC, *Rock Ferry, October* 27, 1869.

SIR: I have the honor to acknowledge receipt (per special messenger) of your confidential letter of to-day, with its three inclosures from the under-secretary of state, (dated respectively 26th instant,) and in reply to state that I propose placing myself in immediate communication with the collector of customs, the necessity for which seems particularly implied in the third letter of Mr. Hammond by the paragraph as follows:

"The law-officers say, however, that before doing so, or, at least, as nearly at the same time as possible, such a notice in writing of the seizure, and of the ground thereof, as is contemplated by section 226 of the same statute, should be given (if this has not already been done) by the seizing officer to Messrs. Laird," &c.

When this form has been gone through, I shall take such steps as may appear requisite for the immediate removal of the El Tousson into the Sloyne, as near to Her Majesty's ship Majestic as practicable.

The tides, however, will have to be considered, and before moving the El Mounassir it will be requisite to have moorings put on board, the present anchors and chains now in her (as stated to me on Friday by Mr. J. Laird) not being of the size intended for that vessel. I mention these particulars to account for any delay that may occur in placing both the iron-clads near my ship.

I propose (if it meets your lordships' views) to make a complete survey and inventory of both vessels as soon as possible, assisted by a responsible person appointed by the Messrs. Laird, (should those gentlemen desire it;) and I shall afterward take such measures as may be deemed advisable for the care of the machinery and vessels, placing an assistant engineer in each.

I presume that I am quite at liberty, in conjunction with the collector of the customs, to perform the duty intrusted to me with as much consideration for the Messrs. Laird as I can strictly allow, these gentlemen having hitherto shown a disinclination to speak of the seizure of their vessels, or answer any questions put to them by strangers on the subject. If, therefore, the firm are willing to discharge their men from this work in their own way, (provided it be immediately,) I shall seek to give them this privilege rather than assume the full authority conveyed in your letter.

I am, &c.,
(Signed) E. A. INGLEFIELD.

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[1] No. 164.

[426] *No. 167.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 29, 1863—1 p. m. (Received October 29.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a telegram just received from Messrs. Laird, of Birkenhead, protesting against the two iron-clad vessels being removed into the river Mersey.

I am, &c.,
(Signed) A. PAGET.

[Inclosure in No. 167.]

Messrs. Laird to the secretary to the admiralty.

[Telegraphic.]

BIRKENHEAD, *October* 29, 1863.

Captain Inglefield informs us that his orders are to take the two iron-clads into the river Mersey. We protest against the probable destruction of our property in having ships, (one of which is a mere hulk, without masts, funnel, or steering-gear,) taken out of docks where they are now in safety, and moored in the river at this inclement season of the year; and we trust that the orders sent to Captain Inglefield will be reconsidered.

No. 168.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
October 29, 1863—1.15 p. m. (Received October 29.)

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, copy of a telegram just received from the Messrs. Laird, protesting against the removal of the iron-clad vessels into the Mersey; and I am to request that my lords may be favored with the views of Lord Russell as to the answer which should be returned to Messrs. Laird.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No 168.]

Messrs. Laird Brothers to Mr. Hamilton, October 29, 1863.

[See inclosure in No. 167.]

No. 169.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *October* 29, 1863.

SIR: I have laid before Earl Russell your letter of this day's date, inclosing a copy of a telegraphic message from Messrs. Laird, protesting against the removal of the iron-clad vessels from their docks into the

Mersey; and I am, in reply, to request that you will state to the lords commissioners of Her Majesty's treasury that Lord Russell has also received a similar communication from Messrs. Laird.[1] His lordship, however, considers that it would be more advisable that the board of treasury should answer them by telegraph; and that it will be only necessary to say that Captain Inglefield will, no doubt, in his dispositions regarding these vessels, take every proper precaution for the preservation of the property; but that the orders have been well considered, and cannot be revoked or altered.

A copy of this letter will be sent to the admiralty.

I am, &c.,
(Signed) E. HAMMOND.

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[427] *No. 170.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *October* 29, 1863.

SIR: With reference to your letter of this day's date, I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of the admiralty, a copy of a letter which his lordship has caused to be addressed to the board of treasury,[1] relating to the answer to be returned to Mr. Laird's telegraphic message, protesting against the removal of the iron-clad vessels, which have been seized by the Crown, into the river Mersey.

I am, &c.,
(Signed) E. HAMMOND.

No. 171.

Messrs. Laird Brothers to Earl Russell.

BIRKENHEAD IRON-WORKS,
Birkenhead, October 29, 1863. (Received October 30.)

MY LORD: We sent you this morning the following telegram:

Captain Inglefield informs us that his orders are to take the two iron-clads into the river Mersey.

We protest against the probable destruction of our property in having ships (one of which is a mere hulk, without mast funnel, or steering-gear) taken out of docks where they are now in safety, and moored in the river at this inclement season of the year; and we trust that the orders sent to Captain Inglefield will be reconsidered.

Which we now beg to confirm.

We are, &c.,
(Signed) LAIRD BROS.

No. 172.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBER,
October 30, 1863. (Received October 30.)

SIR: I am commanded by the lords commissioners of Her Majesty's

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[1] See No. 171.

treasury to transmit to you, with reference to former correspondence, the inclosed copy of a letter which has been received from Messrs. Laird, dated the 29th instant, protesting against the proceedings taken by Her Majesty's government in regard to the iron-clad vessels in course of construction by them; and I am to state that my lords propose, if Earl Russell sees no objection, to instruct their solicitor to advise them whether any and what answer should be returned to this communication.

I am, &c.,

(Signed) GEO. A. HAMILTON.

[Inclosure 4 in No. 172.]

Messrs. Laird Brothers to the lords commissioners of the treasury.

BIRKENHEAD IRON-WORKS, *October* 29, 1863.

MY LORDS: We beg to call your lordships' attention to the very serious position in which we are placed by the extraordinary steps taken by Her Majesty's government with the two iron-clad ships now being built by us.

It is a rule well recognized in all trading establishments that an order, while under execution, is the property of the person giving it, and that a builder has no right to make public the orders or instructions of his employers. This is a rule of business which must be well known to Her Majesty's government.

[428] "On the 4th of September, however, we were officially applied to by Mr. Layard for the information, "On whose account and with what destination the vessels are being built."

Owing, however, to certain vague rumors which were current in the newspapers, and to the repeated visits of Mr. Morgan, the surveyor of Her Majesty's customs, we had taken the precaution to obtain the owner's sanction to disclose his name, and we were accordingly enabled, by return of post, to reply to Mr. Layard's letter, and inform him that we were building the ships for MM. A. Bravay & Co., 6 Rue de Londres, Paris.

On the 9th September Mr. Hamilton, the secretary to the treasury, wrote to us to say that the vessels would not be permitted to leave the Mersey until inquiries then being prosecuted had been brought to a conclusion.

In order to give Her Majesty's government ample time to make these inquiries, we wrote in reply to say that the first vessel would not be complete in less than a month. And about the same time we stated that the first vessel would be ready for a trial-trip in a short time, and that we would engage that she should return to the Birkenhead float.

On the 17th September permission was given for the trial-trip, and we were further requested to give our personal undertaking that the vessel should not leave the port without our giving a week's notice to Her Majesty's government. This undertaking we readily gave by return of post.

On the 19th September we received a letter from Mr. Brand, secretary of the treasury, to say that the government feared an attempt might be made to seize the vessel while on her trial-trip, (but without giving any reason for such apprehension,) and tendering the services of a force of seamen and marines. We accepted this offer of protection, though unable ourselves to discover any grounds for such apprehension.

On the 7th October we received a letter from Mr. Hamilton, secretary of the treasury, stating that, from further information, it had become necessary that a custom-house officer should be placed on board, and that the captain of the Majestic afford him protection.

As none of these movements of Her Majesty's government interfered with us in our completion of these ships, and as any plan to seize our ships either by the northern or southern belligerents would entail great pecuniary loss upon us, we of course made no objection to these means provided by the government for our protection, though we were then, and still are, unable to discover any grounds whatever for these precautionary measures, and we are satisfied that Her Majesty's government have lent too credulous an ear to the inventions of designing persons.

But when Her Majesty's government, without giving us any information to show us that they have any just grounds for doing so, proceed to seize our ships and turn off our workmen, and threaten to remove a helpless hulk from a place of safety into the roadstead of the Mersey, we feel it our duty to enter our indignant protest against proceedings so illegal and so unconstitutional.

We have dealt candidly and openly with Her Majesty's government. We have, with the owner's permission, given the name of the owners, and we believe we have a

perfect legal right to build ships for a French subject without requiring from him a disclosure of his object in having such vessels constructed. It forms no part of our duty to interfere in any way with his affairs, and we shall not do so.

We need hardly to say that we hold the government responsible to us for the large pecuniary loss we shall sustain by these arbitrary proceedings.

We are, &c.,
(Signed) LAIRD BROS.

No. 173.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *October* 30, 1863.

SIR: I have laid before Earl Russell your letter of this day's date, inclosing a copy of a letter from Messrs. Laird, protesting against the proceedings that have been taken with regard to the iron-clad vessels now under seizure by the Crown; and I am to request that you will state to the lords commissioners of Her Majesty's treasury that Lord Russell is of opinion that the solicitor to the treasury should act
[429] under the *authority of the law-officers in this matter, and should consult them before returning an answer to this representation from Messrs. Laird.

I am, &c.,
(Signed) E. HAMMOND.

No. 174.

Mr. Hammond to Messrs. Laird Brothers.

FOREIGN OFFICE, *October* 30, 1863.

GENTLEMEN: I am directed by Earl Russell to acknowledge the receipt of your letter of the 29th instant, containing a copy of a telegraphic message which you addressed to his lordship on that day, protesting against the removal into the river Mersey of the two iron-clad vessels now under seizure by the Crown; and I am to state to you that the matter has been referred to the lords commissioners of Her Majesty's treasury.

I am, &c.,
(Signed) E. HAMMOND.

No. 175.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
October 29, 1863. (Received October 31.)

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to acquaint you, for the information of Earl Russell, with reference to your letter of this day's date, that the following telegraphic message has this day been sent to Messrs. Laird, in reference to the seizure of their iron-clad vessels, viz:

Captain Inglefield, will no doubt, in his dispositions regarding the iron-clad vessels, take every precaution for the preservation of the property.

The orders have been well considered, and cannot be revoked or altered.

I am, &c.,
(Signed) GEO. A. HAMILTON.

No. 176.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
October 31, 1863. (Received October 31.)

SIR: With reference to your letter of yesterday's date on the subject of the protest of Messrs. Laird against the seizure by Her Majesty's government of their iron-clad ships, I am commanded by the lords commissioners of Her Majesty's treasury to acquaint you, for the information of Earl Russell, that they have desired their solicitor to consult the law-officers of the Crown as to the answer to be returned to Messrs. Laird.

I am, &c.,
(Signed) GEO. A. HAMILTON.

No. 177.

Mr Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
October 31, 1863. (Received October 31.)

SIR: With reference to your letter of the 27th instant I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copy of a letter dated this day from the home office, stating that no disturbance is apprehended on the part of the workmen in Messrs. Laird's yard at Birkenhead.

I am, &c.,
(Signed) GEO. A. HAMILTON.

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[430] [*Inclosure in No. 177.]

Mr. Bruce to Mr. Hamilton.

WHITEHALL, *October* 31, 1863

SIR: I have laid before Secretary, Sir George Grey, your letter of the 28th instant, and its inclosure, relative to the ill-feeling which is said to have been displayed by the workmen in Messrs. Laird's yard at Birkenhead; and I am to acquaint you, for the information of the lords commissioners of Her Majesty's treasury, that Sir George Grey has communicated with the magistrates at Birkenhead on the subject, and is assured by them "that up to the present time (yesterday) there is not the slightest indication of any disturbance whatever, nor does the head constable anticipate anything of the sort.

I am, &c.,
(Signed) H. A. BRUCE.

No. 178.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
October 31, 1863. (Received October 31.)

SIR: With reference to their lordships' letter of the 29th instant, acquainting you of the telegram sent on that day to Messrs. Laird in regard to the directions given for the seizure of their iron-clad vessels, and the

precautions to be taken for preserving them from injury, I am desired by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copies of a telegram dated this day, and a letter dated yesterday, received from Messrs. Laird, representing the danger which the iron-clad vessels built by them, and now under seizure by Her Majesty's government, will incur in consequence of removal from their premises.

I am to suggest whether a communication should not be addressed to the admiralty, with a view to such precautions being taken for the protection and preservation of the vessels as the circumstances may require.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 178.]

Messrs. Laird Brothers to Mr. Hamilton.

[Telegraphic.]

BIRKENHEAD, *October* 31, 1863.

Foreign office write that they have referred to the lords commissioners of Her Majesty's treasury our telegram and letter of 29th instant, protesting against the removal of the iron-clads into the river Mersey. We renew our protest against moving the vessels from the dock, where they are now in perfect security either from forcible abduction or sea-risk. The weather is now most boisterous, and always uncertain at this time of the year.

[Inclosure 2 in No. 178.]

Messrs. Laird and Brothers to Mr. Hamilton.

BIRKENHEAD IRON-WORKS,
Birkenhead, October 30, 1863.

SIR: We received your telegram late yesterday afternoon, as follows:

Captain Inglefield will, no doubt, in his dispositions regarding the iron-clad vessels, take every proper precaution for the preservation of the property. The orders have been well considered, and cannot be revoked or altered.

We take the liberty to draw the attention of Her Majesty's government to the peculiar construction of the hulls and machinery of the vessels built by us and seized by the government; and to express to them our conviction that it is not possible, in their present incomplete state, for any naval officer, by any dispositions he can [431] make, *to protect the vessels from damage, even in a dock, and much less in the open roadstead of the Mersey, where, in our opinion, they cannot be even moored with safety in this inclement season of the year.

We are, &c.,
(Signed) LAIRD BROS.

No. 179.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *October* 31, 1863.

SIR: I have laid before Earl Russell your letter of this day, inclosing a copy of a further telegram from Messrs. Laird, representing the danger which the iron-clads now under seizure will incur in consequence of their being removed from their premises; and I am to request that you will state to the lords commissioners of Her Majesty's treasury that Lord Russell is of opinion that their lordships should say to Messrs.

Laird, in reply, that, having been in communication with the secretary of state, they have nothing to add to their telegram of the 29th instant.

With reference to the suggestion made by you in the same letter, as to a communication which might be made by the board of treasury to the board of admiralty, in regard to the precautions to be taken for the protection and preservation of the vessels, I am state to you that Lord Russell considers that the admiralty may be informed by you that the secretary of state relies upon Captain Inglefield to take all proper precautions for the security of the property.

I am, &c.,
(Signed) E. HAMMOND.

No. 180.

Messrs. Laird Brothers to Earl Russell.

[Telegraphic.]

BIRKENHEAD, *October* 31, 1863. (Received October 31.)

Admiralty write that they have referred to the secretary of state for foreign affairs our telegram and letter of 29th instant, protesting against the removal of the iron-clads into the river Mersey. We renew our protest against moving the vessels from the dock, where they are now in perfect security, either from forcible abduction or sea-risk. The weather is now most boisterous, and always uncertain at this time of the year.

No. 181.

Mr. Hammond to Messrs. Laird Brothers.

FOREIGN OFFICE, *November* 2, 1863.

GENTLEMEN: I am directed by Earl Russell to acknowledge the receipt of your telegraphic message of the 31st ultimo, renewing your protest against the removal from the docks of the two iron-clad vessels now under seizure by the Crown; and I am to state to you that the matter has been referred to the lords commissioners of Her Majesty's treasury.

I am, &c.,
(Signed) E. HAMMOND.

No. 182.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
November 2, 1863. (Received November 2.)

SIR: With reference to the correspondence which has passed relating to the iron-clad vessels under seizure by Her Majesty's government at Liverpool, I am commanded by the lords commissioners of Her
[432] Majesty's treasury to transmit to you, for the *information of Earl Russell, the inclosed copies of a letter and accompanying

papers received from the board of customs, relating to the transfer to Captain Inglefield, of Her Majesty's ship Majestic, of the charge of those vessels.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 182.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *October* 31, 1863.

SIR: With reference to the order of the lords commissioners of Her Majesty's treasury, dated 28th instant, desiring that the two iron-clad vessels under detention at Liverpool should be placed and left under the charge and responsibility of Captain Inglefield, I am directed to transmit, for their lordships' information, copy of a report of the assistant collector of the revenue at Liverpool, dated 30th instant, inclosing copy of the communication made by the collector to Captain Inglefield on being informed by us of their lordships' directions, and of Captain Inglefield's reply.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 182.]

Mr. Stewart to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, October* 30, 1863.

HONORABLE SIRS: With reference to your order of the 29th instant, directing the collector to inform Captain Inglefield that the iron-clads were to be placed and left under his charge and responsibility, I beg to report that immediately on receiving yesterday the telegram to that effect, the collector forwarded to Captain Inglefield a letter, a copy of which is inclosed; and I also transmit the copy of the reply received from that officer.

Respectfully, &c.,
(Signed) W. G. STEWART.

[Inclosure 3 in No. 182.]

Mr. Edwards to Captain Inglefield.

CUSTOM-HOUSE, *Liverpool, October* 29, 1863.

SIR: I have now just received a telegram from the secretary of Her Majesty's customs to the following effect, viz:

The iron-clads to be immediately placed and left under the charge and responsibility of Captain Inglefield.

I have, therefore, given directions for the officers of the customs to be removed from on board each of these vessels as soon as you can make arrangements to take possession.

I am, &c.,
(Signed) S. PRICE EDWARDS.

[Inclosure 4 in No. 182.]

Captain Inglefield to Mr. Edwards.

MAJESTIC, *October* 29, 1863.

SIR: I shall not be prepared to take charge of the iron-clad vessels until to-morrow, as I must have a satisfactory survey made first.

Please, therefore, to allow the custom-house officers to remain in charge of each until I communicate with you again.

I am, &c.,
(Signed) E A. INGLEFIELD.

[433] *No. 183.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *November* 2, 1863. (Received November 2.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Captain Inglefield, of Her Majesty's ship Majestic, dated the 1st instant, with copy of its inclosure, reporting that he has removed the iron-clad vessel El Tousson into the Mersey, and moored her off New Ferry; also the arrangements he is making for mooring the El Mounassir.

My lords propose to inform Captain Inglefield that they entirely approve of his proceedings with regard to the two vessels.

I am, &c.,
(Signed) C. PAGET.

[Inclosure 1 in No. 183.]

Captain Inglefield to the secretary to the admiralty.

MAJESTIC, *Rock Ferry, November* 1, 1863.

SIR: I have the honor to acquaint you that I brought the El Tousson out into the Mersey this afternoon, and moored her, without the slightest accident or damage to any of her fittings, in a berth immediately above my ship, and off New Ferry, the tides being less strong in that part of the river, and no large vessels anchoring in the vicinity. I may confidently report to you, for their lordships' information, that this vessel is now secure against all ordinary accident. I shall cause her to be housed in with my ship's rain-awnings, all the boats have been got on board, the top-mast struck, and the yards braced fore and aft. I propose putting a lieutenant, the marine officer, and an assistant engineer, with a party of twelve marines and twenty blue-jackets, to live on board, relieving the men periodically.

Until the El Tousson can be prepared to receive the men and officers, I shall cause the Goshawk to remain lashed alongside. I think I can supply from my own ship all that will be necessary to make them comfortable, carefully avoiding the necessity for interfering with the present arrangements and state of the vessel's fittings.

With reference to the El Mounassir I have the honor ro report that I was unable to move that vessel out of Messrs. Laird's yard yesterday, owing to her want of a second anchor.

This morning I have received from Messrs. Laird a letter, a copy of which I beg to inclose, in reply to my communication therein alluded to. I am quite satisfied with the validity of the statements made in the Messrs. Laird's letter of yesterday, and in the mean time I shall make arrangements for the hire of a spare anchor, (sufficient chains being now on board,) if I am unable to get an anchor suitable out of my own ship, which course I had proposed adopting until forced to moor with our own bowers.

I have, &c.,
(Signed) E. A. INGLEFIELD.

[Inclosure 2 in No. 183.]

Messrs. Laird Brothers to Captain Inglefield.

BIRKENHEAD IRON-WORKS, *October* 31, 1863.

SIR: We beg to acknowledge receipt of your letter of the 30th instant, informing us that you have taken the advice of Mr. Bond, the pilot, upon the subject of moving the El Mounassir, and that he states it would be most imprudent to attempt to move that vessel into the Mersey without a second anchor on board, unless she could be put to a buoy; that it will not be earlier than Monday you can obtain the use of the latter; and that you are therefore obliged to postpone taking that vessel out of our graving-dock to-morrow, as you cannot get an anchor on board in time.

In reply, we beg to state that, owing to the lowness of the neap tides during
[433] the *next week, we cannot with safety float the caisson at the entrance of the dock, and therefore must decline doing so until the 9th November.

We are, &c.,
(Signed) LAIRD BROS.

No. 184.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *November* 2, 1863. (Received November 2.)

SIR: I am commanded by the lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, extracts of a letter, dated the 1st instant, from Captain Inglefield, of Her Majesty's ship Majestic, reporting that the El Tousson iron-clad ship had just been moored in the river Mersey, above Her Majesty's ship Majestic, and the circumstances under which he took formal possession of that ship, and also of the El Mounassir.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 184.]

Captain Inglefield to Lord C. Paget.

[Private.]

MAJESTIC, *Rock Ferry, November* 1, 1863.

MY DEAR LORD CLARENCE: I have just moored the El Tousson in the river above my ship, where I promise you nothing shall touch her (barring accidents) until ordered to move away.

The Goshawk will remain lashed alongside till arrangements can be made for accommodating officers and men to live on board the iron-clad.

The Standard newspaper was put into my hand yesterday, (the 31st October,) and I read therein such a very erroneous statement of the manner in which I took formal possession of the rams that, though I am now pretty well case-hardened to paper abuse, I think I ought to inform you of the facts, as doubtless you will hear the newspaper version from other quarters, though otherwise I would not have bothered you with these petty details. For your convenience I have cut out the article I allude to, and in a few words I may say that I have not yet, nor do I intend without orders, to hoist any flag on board the rams.

The article in question states that "tons of water fell into the hold of the El Mounassir." Her position was exactly what it would have been if the Lairds had still retained possession. The fact is that, while before she was fully exposed to the wet weather, now all the hatches and turret-holes are housed in. This would not have been done but for the stoppage of work. Neither boilers nor engines have sufferred the least.

The article next speaks of armed officers and men!

When the workmen were dismissed by the custom-house officer, the two usual sentries were posted on board, but the ship-keeper and custom-house officers remained at my request till a survey and inventory had been completed for both vessels by a lieutenant, engineer, boatswain, carpenter's mate, and a clerk. These officers, I now learn, took their swords with them, as they would have done if sent to a dock-yard on a survey, but did not wear them. If I had thought it necessary I should have specially ordered them to go without, for I took the precaution of having them all into my cabin to caution them as to their manner, and particularly to avoid anything that could be construed as offensive in either deportment or speech. They were accompanied by twelve unarmed men (blue-jackets) to range the cables for measurement. The party completed their work, and left the rams in the afternoon still under charge of the custom-house officers.

On the following morning I took three unarmed blue-jackets ashore at Rock Ferry, and arming himself with nothing more dangerous than an umbrella, we proceeded, the men and myself, inside a cab, and their hammocks and bags outside, toward Laird's yard. I kept the men waiting at the door while I got the inventory signed, and I then asked the Messrs. Laird's permission to take the sailors through their works; and thus, with their bags on their backs, we quietly walked on board the El Mounassir and I relieved the custom-house officer of all further charge.

[435] *I then went on to the El Tousson by myself, and relieved the custom-house officer there, giving the vessel in charge of the lieutenant of the gun-boat. In the afternoon I ordered sixty picked men to go as a working party to the El Tousson. I had proposed sending the first lieutenant in charge, but I resolved upon going my-

self with the boatswain. We landed at Birkenhead about a mile and a half from the ram, not a creature having a weapon of any description but myself, the umbrella. On starting I told the men that I should place implicit trust in their good sense and proper behavior; that I should not march them through the town, nor should I direct the boatswain and petty officers to look after them; but that I felt sure they would not disappoint me by straggling or bad conduct. The result was, I had not the slightest trouble, though the men had had no leave for several days, and returned through Birkenhead after dusk. Not a man was missing, and on board the iron-clads they worked well. The crowds of operatives who stood by on the quay watching us while I superintended the work of housing the masts and getting the boats on board, never showed any disposition to annoy us, and when it was necessary I went among them and spoke civilly to them, and was civilly replied to.

My working-party was with me all day yesterday and again to-day from 8 until 4 o'clock, when I got the El Tousson moored, and I have been equally well pleased with their conduct.

I have taken the precaution each time to land at a different spot; and to-day, being Sunday, I feared an unusual gathering of idlers—so landed below the great float, and came round by the back of the docks. Sunday was the day chosen by the mob at Birkenhead for their last riot, and thus my precaution on this occasion.

In conclusion, I may add that no marine has yet put his foot inside Messrs. Laird's yard, nor has an armed blue-jacket of any description.

Since the petty officer and two men have been put in possession of the El Mounassir I have sent them some blue lights and a musket that they may communicate with the Heron if they should require assistance during the night.

Yours, &c.,
(Signed) E. A. INGLEFIELD.

No. 185.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *November* 3, 1863.

SIR: I am directed by Earl Russell to acknowledge the receipt of your letter of the 2d instant, and I am to request that you will inform the lords commissioners of the admiralty that his lordship concurs in the approval which their lordships propose to convey to Captain Inglefield for the measures adopted by him with regard to the iron-clad vessels at Birkenhead now under seizure by the Crown.

I am, &c.,
(Signed) E. HAMMOND.

No. 186.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *November* 3, 1863.

SIR: With reference to your letter of the 2d instant, I am directed by Earl Russell to request that you will inform the lords commissioners of Her Majesty's treasury that his lordship concurs in the steps taken by the board of customs for transferring the charge of the iron-clad vessels at Birkenhead, now under seizure by the Crown, to Captain Inglefield, of Her Majesty's ship Majestic.

I am, &c.,
(Signed) E. HAMMOND.

[436] *No. 187.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
November 3, 1863. (Received November 3.)

SIR: With reference to your letter of the the 30th ultimo, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Secretary Earl Russell, the inclosed copy of the opinion of the law-officers of the Crown as to the answer to be returned to the protest of Messrs. Laird against the proceedings of Her Majesty's government in regard to the seizure of the iron-clad vessels at Birkenhead. I am further desired to transmit, for Earl Russell's information, the inclosed copies of a letter dated this day from the board of customs, and of its inclosures, relating to the notices of seizure issued to Messrs. Laird and M. Bravay, together with copy of a letter which their lordships have this day caused to be addressed to Messrs. Laird in accordance with the opinion of the law-officers of the Crown.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 187.]

Opinion.

We are of opinion that the receipt of Messrs. Laird's letter should be acknowledged, and that Her Majesty's government should refer to the notice of the cause of seizure already given, and should decline to enter into any discussion of the subject with those gentlemen before the investigation which the case will necessarily receive in the court of law.

(Signed) ROUNDELL PALMER.
R. P. COLLIER.

LINCOLN'S INN, *November* 2, 1863.

[Inclosure 2 in No. 187.]

Messrs. Hamilton to Messrs. Laird Brothers.

TREASURY CHAMBERS, *November* 3, 1863.

GENTLEMEN: I am commanded by the lords commissioners of Her Majesty's treasury to acknowledge the receipt of your letter of the 29th ultimo, in which you protest against the measures which Her Majesty's government have felt it their duty to adopt for effecting and maintaining the seizure of the two iron-clad vessels at Birkenhead.

I am desired to state, in reply thereto, that their lordships can only refer you to the notice of the cause of seizure conveyed in the letter addressed to your firm by the collector of customs on the 27th ultimo, and that their lordships must decline to enter into any discussion of the subject with you before the investigation which the case will necessarily receive in the court of law.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 3 in No. 187.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *November* 3, 1863.

SIR: With reference to the order of the lords commissioners of Her Majesty's treasury, dated the 27th ultimo, on the subject of the iron-clad vessels at Birkenhead, I am

directed by the commissioners of Her Majesty's customs to transmit to you the inclosed copies of the notices which, in pursuance of their lordships' order, have been served upon M. Bravay and Messrs. Laird, respectively; having to observe that, as the provisions of the 226th section of the customs consolidation act, 1853, in regard to the
[437] notice to be given in cases of seizure, have been amended by the 29th * section of the act 18 and 19 Vict., cap. 96, the board were advised by their solicitor that reference should not be made to the 226th section in the notice to be given to the parties.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 5 in No. 187.]

Mr. Edwards to Messrs. Laird Brothers.

CUSTOM-HOUSE, *Liverpool, October* 27, 1863.

GENTLEMEN: I hereby beg to inform you that your two cupola-vessels are now detained under the 223d section of the customs consolidation act, the ground of detention being a violation of the foreign enlistment act; and I have further to state that the officers in charge have received directions to remove your workmen at once from on board the ships.

I am, &c.,
(Signed) S. PRICE EDWARDS.

[Inclosure 4 in No. 187.]

Mr. Morgan to Messrs. Bravay & Co.

CUSTOM-HOUSE, *Liverpool, October* 29, 1863.

SIR: Understanding that you claim some title to, or interest in, the two iron-clad steam-rams built by Messrs. Laird & Co., of Birkenhead, I beg to state, for your information, that I have made seizure of those vessels for a violation of the seventh section of the foreign enlistment act, (59 Geo. III., cap. 59,) and I give you this notice of the seizure, and the grounds thereof, without prejudice to any question as to the *bona fide* ownership of these vessels.

I am, &c.,
(Signed) E. MORGAN.

No. 188.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *November* 5, 1863. (Received November 5.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter dated the 4th instant, from Captain Inglefield, of Her Majesty's ship Majestic, with copies of his correspondence with Messrs. Laird, relative to the removal of the iron-clad vessel into the river Mersey.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 188.]

Captain Inglefield to the secretary to the admiralty.

MAJESTIC, *Rock Ferry, November* 4, 1863.

SIR: I have the honor to inclose, for the information of the lords commissioners of the admiralty, copies of letters that have passed between Messrs. Laird and myself,

relating to the removal of the iron-clad vessels El Tousson and El Mounassir, since the last copies forwarded on the 19th ultimo.

I have, &c.,
(Signed) E. A. INGLEFIELD.

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[438] *[Inclosure 2 in No. 188.]

Captain Inglefield to Messrs. Laird Brothers.

MAJESTIC, *Rock Ferry, October* 28, 1863.

GENTLEMEN: I beg to acquaint you that I have received from the lords commissioners of the admiralty a letter, of which the following is an extract:

"Desiring that full possession should be taken of the two iron-clads now under seizure at Birkenhead; that Messrs. Laird's workmen should be immediately removed from them, and that the vessels themselves should be removed into the Mersey, and stationed where you may determine, with a sufficient guard placed on board of them."

I have, therefore, to request that you will deliver the vessels in question to my custody, upon my sending an officer and party to take charge of them.

I am, &c.,
(Signed) E. A. INGLEFIELD.

[Inclosure 3 in No. 188.]

Messrs. Laird Brothers to Captain Inglefield.

BIRKENHEAD IRON-WORKS,
Birkenhead, October 29, 1863.

SIR: We have the honor to acknowledge receipt of your letter of the 28th instant, informing us that you have received from the lords commissioners of the admiralty a letter, of which the following is an extract: "Desiring that full possession should be taken of the two iron-clads now under seizure at Birkenhead; that Messrs. Laird's workmen should be immediately removed from them, and that the vessels themselves should be removed into the Mersey, and stationed where you may determine, with a sufficient guard placed on board of them." And that you therefore request that we will deliver the vessels in question to your custody, upon your sending an officer and party to take charge of them.

We beg formally to protest against the illegal and unconstitutional seizure of these ships.

We shall, of course, offer no obstruction to the physical force with which we are threatened by the government. At the same time we protest against the probable destruction of our property in having ships, one of which is a mere hulk, without masts, funnel, or steering-gear, taken out of the docks where they are now in a place of safety, and moored in the river Mersey at this inclement season of the year, and we trust that the government will reconsider the orders they have given you on this point.

We are, &c.,
(Signed) LAIRD BROS.

[Inclosure 4 in No. 188.]

Messrs. Laid Brothers to Captain Inglefield.

BIRKENHEAD IRON-WORKS,
Birkenhead, October 28, 1863.

SIR: Referring to the conversation you had with our Mr. John Laird, junior, this morning, and the requests you have made to us for assistance in preparing the El Mounassir for removal from our graving-dock, we shall feel obliged if you will put your request in writing, and we will then give it our best consideration.

We are, &c.,
(Signed) LAIRD BROS.

[Inclosure 5 in No. 188.]

Captain Inglefield to Messrs. Laird Brothers.

MAJESTIC, *Rock Ferry, October* 28, 1863.

GENTLEMEN: With reference to your letter of this date, requesting that I will put in writing the verbal application I made to you this afternoon for assistance [439] in preparing the *El Mounassir for removal from your graving-dock, I beg now to renew that application, and to request you will give me such assistance, by the loan of an anchor and cable, being essential to enable me to moor that vessel with safety in the Sloyne.

I have further to add that such anchor and cable will be accepted as a personal loan, and I undertake that it shall not be considered as a part of the seizure of the aforementioned iron-clad vessel El Mounassir.

I am, &c.,
(Signed) E. A. INGLEFIELD.

[Inclosure 6 in No. 188.]

Messrs. Laird Brothers to Captain Inglefield.

BIRKENHEAD IRON-WORKS,
Birkenhead, October 29, 1863.

SIR: We have the honor to acknowledge the receipt of your communication of the 28th instant, requesting us to render you assistance in preparing the El Mounassir for removal from our graving-dock, and, further, to grant the loan of an anchor and cable, which are essential to enable you to moor the vessel with safety in the Sloyne.

We have every desire to render you personally any assistance in our power in carrying out the illegal and unpleasant duty imposed on you; but having given the matter very serious consideration, and regarding the responsibility we are under to the owners of these vessels, we greatly regret that we cannot, in justice either to them or ourselves, do anything to relieve Her Majesty's government from the responsibility they are under to us and to the owners in attempting to remove from our graving-dock into the Mersey a vessel in the helpless condition of the El Mounassir.

You are aware that in order to remove the El Mounassir it will be necessary to remove the caisson. This is an operation requiring some skill, and, in order to prevent injury to the caisson, we shall instruct our foreman to remove it on the day when you determine to remove the vessel. We renew our protest to you at the illegal and extraordinary conduct of the government in this matter.

We are, &c.,
(Signed) LAIRD BROS.

[Inclosure 7 in No. 188.]

Captain Inglefield to Messrs. Laird Brothers.

MAJESTIC, *Rock Ferry, October* 30, 1863.

GENTLEMEN: I have taken the advice of Mr. Bond, the pilot, upon the subject of moving the El Mounassir, and he states that it would be most imprudent to attempt to move that vessel into the river without a second anchor on board, unless she could be put to a buoy, and it will not be earlier than Monday that I can obtain the use of the latter. I am, therefore, obliged to postpone taking that vessel out of your graving-dock to-morrow, as I cannot get an anchor on board in time. I can only add that if this should cause you any inconvenience I am really much concerned, and always yours, &c.

(Signed) E. A. INGLEFIELD.

No. 189.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *November* 7, 1863. (Received November 7.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter dated the 5th instant, from Messrs. Bravay & Co., respecting the seizure of the two iron-clad ships at Birkenhead.

I am, &c.,
(Signed) W. G. ROMAINE.

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[440] *[Inclosure in No. 189.]

Messrs. Bravay & Co. to the secretary to the admiralty.

6, RUE DE LONDRES, *Paris, le* 5 *Novembre*, 1863.

Nous avions eu l'honneur de vous addresser une demande à l'effet d'obtenir l'autorisation de mettre les canons à bord de deux navires que nous avons en construction sur les chantiers de Messrs. Laird Brothers à Liverpool.

Vous nous avez fait l'honneur de nous répondre par lettre officielle du 5 octobre dernier, que nous devions nous adresser au ministère des affaires étrangères pour cette autorisation.

Nous étions absent lorsque cette réponse est arrivée à Paris, et au moment de notre retour le gouvernement de sa majesté avait pris une mesure que vous connaissez et interrompu l'exécution du contrat intervenu entre Messrs. Laird Brothers et nous.

Nous avons l'honneur de vous annoncer réception de la lettre du 5 octobre, nous réservant d'agir pour la conservation et le maintien de nos droits à propos de la violation desquels nous allons protester par lettre addressèe au ministère des affaires étrangéres.

Veuillez, &c.,
(Signé) A. BRAVAY ET CIE.

Mr. Arbuthnot to Mr. Hammond.

TREASURY CHAMBERS,
November 7, 1863. (Received November 7.)

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, with reference to previous correspondence, the inclosed copy of a letter from the secretary to the board of customs, with copy of a letter from the collector of customs at Liverpool, dated 6th instant, and copy of a letter addressed to that office on the 5th instant by Messrs. Bravay, acknowledging the receipt of the notification of the seizure of the iron-clad vessels at Birkenhead by Her Majesty's government.

I am, &c.,
(Signed) G. ARBUTHNOT.

[Inclosure 1 in No. 190.]

Mr. Gardiner to Mr. Hamilton.

CUSTOM-HOUSE, *November* 7, 1863.

SIR: I am directed to transmit, for the information of the lords commissioners of Her Majesty's treasury, with reference to the previous correspondence on the subject of the iron-clad vessels under seizure at Liverpool, a copy of a report from the collector of this revenue at Liverpool, dated the 6th instant, with the letter from Messrs. A. Bravay &

Co., of Paris, therein referred to, written in answer to the collector's letter apprising them of the seizure of the vessels.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 190.]

Mr. Edwards to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, November* 6, 1863

HONORABLE SIRS: After 4 o'clock to-day I received the inclosed letter from Messrs. Bravay, of Paris, in reply to my letter addressed to them relative to the seizure of the two iron-clads, and I beg respectfully to inclose the same for the information of the board.

(Signed) S. PRICE EDWARDS.

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[441] [*Inclosure 3 in No. 190.]

Messrs. Bravay & Co. to Mr. Edwards.

6, RUE DE LONDRES, *Paris, le* 5 *Novembre*, 1863.

Nous avons l'honneur de vous accuser réception de votre lettre du 29 Octobre, par laquelle vous nous notifiez la saisie des navires que nous avons en construction dans les chantiers de Messrs. Laird Brothers, à Liverpool; nous réservant d'agir pour la conservation et le maintien de nos droits à propos de la violation desquels nous allons protester par lettre adressée au ministère des affaires étrangères.

Agréez, &c.,
(Signé) A. BRAVAY ET CIE.

No. 191.

Mr. Arbuthnot to Mr Hammond.

TREASURY CHAMBERS,
November 7, 1863. (Received November 7.)

SIR: With reference to previous correspondence, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copy of a letter from the admiralty dated 7th instant, with copy of a report from the admiralty inspector as to the appraisement of the iron-clad vessels at Birkenhead under seizure by Her Majesty's government.

I am, &c.,
(Signed) G. ARBUTHNOT.

[Inclosure 1 in No. 191.]

The secretary to the admiralty to Mr. Hammond.

[Immediate.]

ADMIRALTY, *November* 7, 1863.

SIR: With reference to previous correspondence I am commanded by the lords commissioners of the admiralty to transmit to you, to be laid before the lords commissioners of Her Majesty's treasury, the inclosed copy of a report from the admiralty inspector as to the appraisement of the two iron steam-vessels built by Messrs. Laird, and now detained by Her Majesty's government.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 2 in No. 191.]

Mr. Luke to Admiral Robinson.

LIVERPOOL, *November* 6, 1863.

SIR: With reference to your minute of yesterday, directing me to proceed immediately to Liverpool, and to put myself in communication with the collector of customs for the purpose of appraising two iron steam-vessels built by Messrs. Laird Brothers, and now detained by government, and to report the result to you as soon as possible, I have the honor to state that I communicated with the collector of customs this morning, and was requested by him to give my professional assistance to Messrs. Kellock and Jordan, two gentlemen of the county of Lancaster, who had been appointed legal appraisers in this matter, at the same time informing me that the valuation must be made in time to be forwarded to London by to-night's post.

The legal appraisers and myself then made a general inspection of the two vessels, and have estimated their present value as they now lie to be as follows:

No. 1 vessel, El Tousson, £106,000.

No. 2 vessel, El Mounassir, £80,000.

The collector of customs has, I believe, forwarded the above appraisement to London by this post.

I have, &c.,

(Signed) J. LUKE,

Inspecting Officer of the Admiralty.

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[442] *No. 192.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *November* 10, 1863. (Received November 10.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter of the 9th instant, from Captain Inglefield, of Her Majesty's ship Majestic, reporting that the El Mounassir was out of Messrs. Laird's graving-dock, and moored safely in the Sloyne.

I am, &c.,

(Signed) W. G. ROMAINE.

[Inclosure in No. 192.]

Captain Inglefield to the secretary to the admiralty.

MAJESTIC, *Rock Ferry, November* 9, 1863.

SIR: I have the honor to acquaint you that this morning I succeeded in getting the El Mounassir out of the Messrs. Laird's graving-dock, and moored her safely in the Sloyne, near Her Majesty's ship Majestic.

I beg to add that I have no further occasion for the service of the gun-boat Heron.

I have, &c.,

(Signed) E. A. INGLEFIELD.

No. 193.

Sir A. Paget to Earl Russell.

COPENHAGEN, *November* 11, 1863. (Received November 16.)

MY LORD: In consequence of your lordship's instructions of the 6th instant, I have had another interview with the Danish minister of marine, for the purpose of ascertaining further particulars in reference

to what took place between the Danish agent in England and the builders of the iron-clads.

Admiral Bille told me he could only repeat what he had said to me on this subject on the former occasion, viz, that having desired the agent he employs in England to ascertain if the iron-clads were for sale, the agent had gone to Liverpool, had had an interview with Messrs. Laird, and had learned from them that they were not for sale. The name of the agent is M. Martini, a Danish merchant established at Glasgow. The Danish government, Admiral Bille again assures me, has had no communication whatever, direct or indirect, with M. Bravay. The first time he had heard this person's name mentioned was by the English gentleman who offered to be the medium of negotiation with M. Bravay, but which offer Admiral Bille did not accept, although inclined to purchase the ships, because, as he says, what passed between him and the English gentleman convinced him that M. Bravay had in reality no power to dispose of them. I asked the admiral if he did not inquire how it was that M. Bravay came to have anything to do with the ships. He said he did, but the answer was unsatisfactory, and when he inquired for what purpose M. Bravay wanted them, the English gentleman replied jokingly, that "perhaps M. Bravay wished to use them as pleasure-boats on the Seine." But whether the ships belong or do not belong to M. Bravay, certain it is, according to Admiral Bille's assertion, that there has been no communication between the Danish government and him respecting them.

I pressed the admiral to give me the name of the English gentleman alluded to, and I represented to his excellency that whatever his position might be it could not possibly injure him its being known, but he said he did not feel at liberty to disclose it.

I have ascertained, however, on the best authority, that Captain Blakeley, well known for his inventions in artillery and writings on the same subject, was at the very time I first saw Admiral Bille respecting the iron-clads, viz, on the 3d of October, at Copenhagen, that he had two interviews with Admiral Bille, that his intention was to go to Paris from Copenhagen, and that he left Copenhagen for that capital on the 5th or 6th of October.

I have, &c.,
(Signed) A. PAGET.

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[443] *No. 194.

Mr. Colquhoun to Earl Russell.

[Extract.]

CAIRO, *November* 16, 1863. (Received November 27.)

I have the honor to acknowledge the receipt of your lordship's dispatch of 23d October.

I lost no time in seeing the Viceroy, to whom I explained as far as I could the case.

Your lordship will find inclosed a statement of what passed on the subject at this interview.

His highness had a few days previously sent me a copy of what I may term M. Bravay's "Discharge in full of all demands," No. 2 inclosure.

Your lordship will observe how completely the Viceroy rejects the supposition that M. Bravay contemplated through his highness the sale of the vessels to the Porte, and when I asked him if M. Bravay was explicitly given to understand that his highness would have nothing to do with the vessels as a purchase, he said nothing could be plainer than his language in the end of last January—a language which he has since never had occasion to modify.

[Inclosure 1 in No. 194.]

Memorandum of an interview between the Viceroy and Mr. Colquhoun.

The following is a statement of what passed at an interview I had with the Viceroy on the 12th instant:

On asking his highness to have the kindness to state the nature of the communications which passed between him and M. Bravay, with regard to the iron-clad vessels in course of construction by Messrs. Laird of Birkenhead, his highness said that, within a few days of his accession, about the last fortnight in January, M. Bravay presented himself, and informed his highness that he had received from the late Viceroy, Said Pasha, certain orders to execute; the Viceroy asked to see the orders; M. Bravay replied that the orders were verbally given—not in writing.

The Viceroy distinctly declared, upon this, that he would recognize no orders of his predecessor, as binding upon him, which were not in writing.

I asked the Viceroy whether, at any of the interviews between himself and M. Bravay, the latter had requested his highness to try and dispose of his vessels for him to the Porte. The Viceroy assured me most positively that nothing of the kind had taken place, and further, that he never intimated to M. Bravay his pleasure that the drawings of the vessels should be sent him. "No mention," said his highness, "was ever made of the subject; it was one which I could never for a moment have entertained."

No drawings of the ships, as far as I have been able to ascertain, were ever received by the Viceroy, or by any one in his service on his behalf.

His highness assures me he has never addressed the Porte on the subject of the sale of the ships in question; and that M. Bravay, on leaving Egypt, must have known, clearly and distinctly, that he had no hope of selling the vessels to the Porte through the agency of the Viceroy, who asserts most positively that there was no ambiguity in the language employed on the subject.

(Signed) ROBERT G. COLQUHOUN.

CAIRO, *November* 16, 1863.

[Inclosure 2 in No. 194.]

M. Bravay to Chérif Pasha.

CAIRE *le* 20 *août* 1863.

EXCELLENCE: A la suite d'une conversation que j'ai eu l'honneur d'avoir avec son Altesse Ismail Pacha, viceroi d'Égypte, et dans laquelle elle a victorieusement développé et soutenu les droits du gouvernement egyptien contre l'exécution des ordres verbaux mis en vigueur par feu son altesse Said Pacha, je viens, par la présente, vous déclarer de la manière la plus formelle et la plus authentique, que je renonce, d'ors et
[444] déjà, *à l'exécution de tous les ordres verbaux que je puis ou pourrais avoir en cours d'exécution, me déclarant en outre complètement désintéressé pour tous les droits et actions nés, ou à naître, soit directement ou indirectement.

La présente déclarition est faite, comme j'ai eu l'honneur de vous le dire, pour rendre un pur hommage à l'esprit de justice et d'équité qui distingue son altesse Ismail Pacha, viceroi d'Égypte; car, malgré les pertes et les dommages que me cause la reconnaissance du principe de l'inexécution des ordres verbaux, je me trouve entièrement satisfait.

Pour donner en outre un plus grand témoignage de mes sentiments envers son altesse Ismail Pacha, je me déclare responsable et m'engage à répondre pour toutes réclamations qui pourraient être soulevées par des tiers, au sujet des ordres verbaux qui peuvent m'avoir été donnés et auxquels je viens de renoncer.

Veuillez, &c.,

(Signé) BRAVAY.

No. 195.

Mr. Colquhoun to Earl Russell.

CAIRO, *November* 17, 1863. (Received November 27.)

MY LORD: With reference to my dispatch of yesterday's date, I have the honor to inform your lordship that I have this day had a long conference with the secretary of state for foreign affairs.

To my plain questions, whether any protest had been lodged by M. Bravay through the French agency, or other channel, for non-fulfillment of the contracts given him by the late Viceroy Said Pasha, and declined to be admitted by his highness Ismail Pasha? the secretary of state declared nothing of the kind had been lodged.

Again, whether legal proceedings of any nature had been instituted? He replied, none whatever; adding, he should have declined to admit such, holding in his possession M. Bravay's letter of the 20th August.

I have, &c.,

(Signed) ROBERT G. COLQUHOUN.

No. 196.

Messrs. Laird Brothers to Earl Russell.

BIRKENHEAD IRON-WORKS,

Birkenhead, December 7, 1863. (Received December 10.)

MY LORD: We beg to call your attention to the present condition of the two steam-vessels the El Tousson and the El Mounassir, which have been removed by Captain Inglefield from dock into the river Mersey.

On Thursday last it blew a very heavy gale of wind here, and several large vessels, one of them a large steamer, were driven from their moorings within the estuary.

We understand that no steps are as yet taken to bring the rights of the Crown before a jury, and in the mean time the vessels are exposed to great risk.

It is a matter of serious importance to us, as in case the vessels should be lost or burned in the Mersey before we can deliver them to the owners, we shall be thereby prevented from completing our contract.

Our attention is more immediately called to this subject by the fact that one of the fire-policies on the El Mounassir expires to day, and we are in doubt what, under the circumstances, we ought to do.

It is evident that the vessels ought to be insured both against sea-risk and fire, and we shall be glad to know whether Her Majesty's government have taken these precautious for the security of the property, and if not, whether they intend to do so.

We may further state that we trust the government have given strict orders that proper precautions are taken for the preservation of the property from the injury and deterioration it is liable to from exposure to the damp and wet at this inclement season.

We are, &c.,

(Signed) LAIRD BROS.

[445] *No. 197.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *December* 10, 1863. (Received December 10.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter dated the 7th instant, from Messrs. Laird, calling attention to the present condition of the El Tousson and El Mounassir steam-rams, and requesting to be informed whether the government have taken measures for insuring them against sea-risk and fire, and for preserving them from injury and deterioration by exposure to damp.

My lords request to know what answer should be returned to Messrs. Laird, observing that the reports already sent from this department to the foreign office, particularly that contained in my letter of the 2d November, will have informed Lord Russell of the precautions taken by Captain Inglefield for the security of the two vessels.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 197.]

Messrs. Laird Brothers to the secretary to the admiralty.

[See No. 196.]

No. 198.

Mr. Hammond to Messrs. Laird Brothers.

FOREIGN OFFICE, *December* 11, 1863.

GENTLEMEN: I am directed by Earl Russell to acknowledge the receipt of your letter of the 7th instant, which was only received at this office on the 10th, and I am to inform you that your letter has been referred to the treasury for such directions as that department may think proper to give.

I am, &c.,
(Signed) E. HAMMOND.

No. 199.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *December* 11, 1863.

SIR: I am directed by Earl Russell to transmit to you herewith, for such directions as the lords commissioners of Her Majesty's treasury, after consultation with the law-officers of the Crown may think proper to give, a copy of a letter received yesterday from Messrs. Laird[1] calling attention to certain matters in connection with the iron-clads now under seizure in the Mersey.

I am, &c.,
(Signed) E. HAMMOND.

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[1] No. 195.

No. 200.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS, *December* 17, 1863.
(Received December 17.)

SIR: With reference to your letter of the 11th instant, inclosing copy of a letter from Messrs. Laird adverting to certain circumstances connected with the iron-clad vessels under seizure by Her Majesty's government at Birkenhead, I am commanded by the lords commissioners of her Majesty's treasury to transmit to you, for the information of Earl Russell, copy of an opinion which has been obtained from the law-officers of the Crown in regard to the questions raised in Messrs. Laird's letter.

[446] *My lords propose, in conformity with that opinion, to inform Messrs. Laird that it is the intention of Her Majesty's government that the existing insurances on the steam-vessels El Tousson and El Mounassir shall be kept up or renewed *ad interim* at the cost of the Crown and in the name of some person on Her Majesty's behalf, who, if Messrs. Laird will agree to repay the cost of such insurance in the event of the property in the vessels being hereafter adjudged to them, may be constituted a trustee of the policies for Her Majesty, or for such person or persons as may hereafter be adjudged to be the owner or owners of the vessels, according to the result of the proceedings which may be taken for the purpose of deciding on the validity of the seizures; and that, as respects the precautions to be taken for preserving the vessels from injury by weather, my lords propose to inform Messrs. Laird that they have satisfied themselves that every possible precaution has already been taken with this view by the naval officers in command at Liverpool, and that no deterioration of any kind need be anticipated; that their lordships will, however, communicate further with the board of admiralty, in order that instructions may be issued for the purpose of continuing such measures of precaution as may be necessary.

My lords request to be favored with Lord Russell's observations on the proposed communication to Messrs. Laird as soon as possible.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 200.]

Opinion of law-officers of the Crown.

We think that these vessels ought to be kept insured, and that proper precautions should be taken by Her Majesty's government to secure them from receiving injury from the weather or other accidents.

We should recommend that the existing insurances should be kept up or renewed *ad interim*, at the cost of Her Majesty's government and in the name of some person to be nominated on Her Majesty's behalf, who, if Messrs. Laird will agree to repay the cost of such insurance in the event of the property in the vessels being hereafter adjudged to them, may be constituted a trustee of the policies for Her Majesty, or for such person or persons as may hereafter be adjudged to be the owner or owners of the vessels according to the result of the proceedings which may be taken for the purpose of deciding on the validity of the injuries.

We should recommend an answer in this sense to be returned to the letter of Messrs. Laird.

(Signed) ROUNDELL PALMER.
R. P. COLLIER.

LINCOLN'S INN, *December* 15, 1863.

No. 201.

Mr. Hammond to Mr. Hamilton.

[Pressing.]

FOREIGN OFFICE, *December* 18, 1863.

SIR: I am directed by Earl Russell to acquaint you, for the information of the lords commissioners of Her Majesty's treasury, that his lordship concurs in the letter which, as stated in your letter of yesterday, their lordships purpose should be addressed, under the advice of the law-officers of the Crown, to Messrs. Laird's representation respecting the insurances effected on the iron-clads now under seizure at Liverpool.

I am, &c.,
(Signed) E. HAMMOND.

No. 202.

Mr. Hamilton to Mr. Hammond.

[Immediate.]

TREASURY CHAMBERS,
December 23, 1863. (Received December 23.)

SIR: With reference to previous correspondence, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to
[447] you, for the information of *Earl Russell, the inclosed copy of a letter, dated 22d instant, from Messrs. Laird, further respecting the insurance of the iron-clad vessels El Tousson and El Mounassir, under seizure by Her Majesty's government at Birkenhead; and I am to state that my lords have instructed their solicitor to submit this letter to the law-officers of the Crown for their further opinion as to the steps to be taken in the matter.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 202.]

Messrs. Laird Brothers to Mr. Hamilton.

BIRKENHEAD IRON-WORKS,
Birkenhead, December 22, 1863.

SIR: We have the honor to acknowledge the receipt of your letter of the 18th instant, stating that it is the intention of Her Majesty's government to keep up and renew *ad interim* the insurances of the El Tousson and El Mounassir at the cost of the public, provided we will agree to repay the cost of such insurances in the event of the property in the vessels being hereafter adjudged to us according to the result of the proceedings which may be taken for the purpose of deciding on the validity of the seizures.

In reply, we beg respectfully to submit to you that the condition we are asked to agree to is not reasonable, for not only do the vessels incur marine risk by being exposed in the estuary of the Mersey, which risk would not have arisen if the vessels had remained in the docks, but the time has expired during which they would have been in our possession at all.

If they had remained in dock no marine insurance would have been necessary, and if they had not been seized they would ere this have been delivered to the purchasers.

Under these circumstances we respectfully submit that the vessels should be insured and kept insured at the public cost without any such condition being imposed on us.

We beg to inform you that another policy against fire for £20,500 expires on the 24th instant.

We are, &c.,
(Signed) LAIRD BROS.

P. S.—Since writing the above, we find that two further policies against fire—one for £14,000 and another for £5,000—also expire on the 24th instant.

L. B.

No. 203.

Mr. Peel to Mr. Hammond.

TREASURY CHAMBERS,
December 29, 1863. (Received December 29.)

SIR: With reference to previous correspondence, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copies of a letter and accompanying report which my lords have received from the admiralty relating to the preservation from injury of the iron-clad vessels under seizure at Birkenhead.

I am, &c.,
(Signed) F. PEEL.

[Inclosure 1 in No. 203.]

The secretary to the admiralty to Mr. Hamilton.

ADMIRALTY, *December* 22, 1863.

SIR: In reply to your letter of the 18th instant, I am commanded by my lords commissioners of the admiralty to transmit herewith, for the information of the lords commissioners of Her Majesty's treasury, a copy of a letter, dated the 21st instant, [448] from * Captain Inglefield, of the Majestic, reporting the steps taken by him for the security of the El Tousson and El Mounassir, now under seizure at Liverpool, and that he does not consider it necessary to take any further measures for their preservation.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 2 in No. 203.]

Captain Inglefield to the secretary to the admiralty.

MAJESTIC, *Rock Ferry, December* 21, 1863.

SIR: I have the honor to acknowledge your letter of the 19th instant, with its three inclosures, copies of letters from the treasury, dated 18th December, addressed to the secretary of the admiralty, from Messrs. Laird, dated 7th December, and the reply thereto from the treasury, dated 8th December. I have now to report, in obedience to your instructions, that I do not consider that any other measures can be adopted beyond those already taken for the preservation of the iron-clad vessels now under seizure.

Their lordships may desire to be informed what precautions I have adopted for this purpose. I have, therefore, to state that, in the first place, each vessel is secured at moorings, partly made up by their own anchors and chains and partly by others I have hired from the shore and supplied from this ship; I have, moreover, provided each vessel with a spare anchor and chain, and these are ready for letting go at a moment's notice; I have had the topmasts struck of the El Tousson, the awnings of this ship converted into awnings for that vessel, and canvas-coats made for the turrets, to prevent the rain from leaking down from the upper decks to the decks below through the apertures in which these turrets work; a hood has been fitted for the funnel, and the

boats have been hoisted on board and are not on any account allowed to be used; the engines are moved every day and kept continually oiled, and portions have been painted; both ships are constantly pumped out, and I have caused all the unfinished iron-work in both vessels to be thoroughly coated with red-lead paint. The El Tousson has a small fire lit every day in one of the ash-pits, to keep the boilers and flues aired, and that ship has been painted outside. A lieutenant, marine officer, seven marines, and twenty blue-jackets live on board and keep the ship clean.

The El Mounassir not being in a condition for men to live on board, the officer in command of the gunboat Goshawk has been put in entire charge, and that vessel is lashed alongside (with her fires banked) when the weather permits, and when obliged to haul off three men are left on board the iron-clad, to be ready to let go an anchor in case of need, or to do what may be necessary in event of collision. The hatchways and openings in the decks of the El Mounassir are housed in, all the bolt-holes have been plugged up in the deck, and the unfinished bitt and timber heads have been capped with sheet-lead; all the screw-cut holes in each vessel left unfinished and liable to rust have had melted tallow poured into them. I have only further to state that I have not allowed any of the coals or stores left on board by the Messrs. Laird to be used for the purposes named, everything having been sent from this ship. I have made Mr. Weeks, the chief engineer, responsible to me for the condition of the engines and boilers, and I frequently inspect both vessels. I may conclude by remarking that the vessels are much cleaner and in far better order than when I took charge of them, and that every precaution has been observed to guard against fire or collision.

I have, &c.,
(Signed) E. A. INGLEFIELD.

No. 204.

Mr. Hamilton to Mr. Hammond.

[Immediate.]

TREASURY CHAMBERS,
January 13, 1864. (Received January 13.)

SIR: With reference to previous correspondence on the subject of the iron-clad vessels under seizure by Her Majesty's government at Birkenhead, I am commanded by the lords commissioners of Her Majes-
[449] ty's treasury to transmit to you the inclosed copy * of an application which my lords have this day received from Messrs. Laird, requesting permission to have these vessels removed from their present position and placed in the Birkenhead public docks, and further requesting to be allowed to complete the vessels.

I inclose a plan received from Messrs. Laird, showing the present position of the ships and the spot to which it is proposed to remove them; and I am to request that you will move Earl Russell to inform my lords what reply should be made to Messrs. Laird.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 204.]

Messrs. Laird Brothers to Mr. Hamilton.

BIRKENHEAD IRON-WORKS,
Birkenhead, January 12, 1864.

SIR: From communications which have passed between our solicitors and those of the government in the case of the El Tousson and El Mounassir, it would appear that the trial may not come on for a considerable time, and consequently the vessels will have to remain in their present exposed position, unless some other arrangement can be made with the government.

Were the vessels finished, there would be much less risk of their receiving damage than in their present unfinished and unprotected state.

We therefore think it desirable to make the following proposals to the government, namely, that the vessels should be moved into the Birkenhead public docks, and placed at the top end of the great float, about a mile from the entrance, the government retaining possession, by an armed force or otherwise, as they may think requisite, so that we may be able to complete our contract, which we are desirous of doing, although the value of the additional fittings we should put on board would be very considerable.

In the event of the government proving their right to retain the vessels they will, if our proposal be agreed to, be in a much more perfect state. On the other hand, should the government not succeed, the vessels will be sooner ready for delivery by us to the owners, and consequently any claim for damages against the government would be reduced.

These proposals are made without prejudice to any legal proceedings Messrs. A. Bravay & Co., or ourselves, may be advised to take for obtaining compensation in this matter, and being advantageous to Her Majesty's government we hope they will accede to them.

We desire further to add that we have no hesitation in saying these vessels will be much more secure in the great float than they now are in the river Mersey; and in support of this opinion we inclose a plan, showing where the vessels are at present moored and where we propose to have them placed.

We are, &c.,
(Signed) LAIRD BROS.

The plan inclosed indicates the various positions of the vessels El Tousson and El Mounassir, as follows:

1 Situation in the Birkenhead docks, where the El Tousson was lying when seized.
2. Messrs. Laird Brothers' dock, where the El Mounassir was lying when seized.
3. Present position of the El Tousson and El Mounassir in the river Mersey.
4. Situation in Birkenhead public dock, where it is proposed by Laird Brothers' letter of 12th January to place the vessels for completion.

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[450] *No. 205.

Mr. Hammond to Mr. Hamilton.

[Immediate.]

FOREIGN OFFICE, *January* 14, 1864.

SIR: I have laid before Earl Russell your letter of yesterday's date, inclosing a copy of a letter from Messrs. Laird, requesting that they may be allowed to move the El Tousson and the El Mounassir from their present moorings in the Mersey into the dock at Birkenhead, in order that they may complete the construction of those vessels; and I am, in reply, to request that you will state to the lords commissioners of Her Majesty's treasury that Lord Russell considers that Messrs. Lairds' application should not be complied with.

I am, &c.,
(Signed) E. HAMMOND.

No. 206.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
January 26, 1864. (Received January 26.)

SIR: With reference to former correspondence on the subject of the iron-clad vessels under seizure by Her Majesty's government at Liver-

pool, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the consideration of Earl Russell, the inclosed copy of a letter from Messrs. Laird Brothers, renewing their request for permission to finish the ships El Tousson and El Mounassir.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 206.]

Messrs. Laird Brothers to Mr. Hamilton.

BIRKENHEAD IRON-WORKS,
Birkenhead, January 25, 1864.

SIR: We have the honor to acknowledge the receipt of your letter of the 14th instant, refusing us permission to finish the ships El Tousson and El Mounassir, and also of your letter of the 20th instant, stating that the lords of the treasury will provide in the manner they may consider requisite against the risks of fire and other damage.

If this decision about completing the ships be adhered to, we shall be prevented, for an indefinite period, from completing our contract, and, consequently, be kept out of a very large sum of money which will be due to us, and which the owners are ready to pay to us as soon as the vessels are so completed and delivered to them in the port of Liverpool.

As stated in our former letter, we are perfectly satisfied that the government should retain possession, by an armed force or otherwise, as they may think requisite, until the legal proceedings now pending are terminated, or some other settlement of the question arrived at.

Taking all these circumstances into consideration, we trust that their lordships may see reason to alter their decision and agree to the proposal contained in our letter of the 12th instant.

In the mean time we beg to call the attention of the lords of the treasury to the fact that, though it is now several months since the vessels were seized, yet no steps have as yet been taken to bring the matter to a legal decision, although our attorneys have repeatedly pressed the course on the law-advisers of the Crown.

We are, &c.,
(Signed) LAIRD BROS.

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[451] *No. 207.

Mr. Hammond to Mr. Hamilton.

[Immediate.]

FOREIGN OFFICE, *February* 2, 1864.

SIR: I am directed by Earl Russell to state to you, for the information of the lords commissioners of Her Majesty's treasury, that he referred to the law-advisers of the Crown your letter of the 26th ultimo, respecting the iron-clads now under seizure at Birkenhead, and has been informed, in reply, that an information will be filed in this case in a few days, and that it may be necessary to send a commission abroad for the purpose of collecting evidence.

I am to add that his lordship is of opinion that Her Majesty's government cannot permit the vessels to be completed.

I am, &c.,
(Signed) E. HAMMOND.

No. 208.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
February 4, 1864. (Received February 4.)

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to acquaint you, for the information of Earl Russell, that, in accordance with the opinion expressed by his lordship in your letter of 2d instant, my lords have informed Messrs. Laird that Her Majesty's government cannot consent to the completion of the iron-clad steam-vessels under seizure at Birkenhead.

I am, &c.,
(Signed) GEO. A. HAMILTON.

No. 209.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
February 4, 1864. (Received February 4.)

SIR: With reference to previous correspondence, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the consideration of Earl Russell, the inclosed copy of a letter, dated 3d instant, from Messrs. Laird, urging the propriety of bringing before a jury, at an early period, the case of the iron-clad vessels built by them, and now under seizure by Her Majesty's government.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 209.]

Messrs. Laird Brothers to Mr. Hamilton.

BIRKENHEAD IRON-WORKS,
Birkenhead, February 3, 1864.

SIR: We are in receipt of your letter of the 2d instant, in which you inform us that Her Majesty's government cannot permit the iron-clad vessels built in our yard and now under seizure to be completed.

We beg, however, to call your attention to the fact that no information has yet been afforded to us in reply to our repeated requests to know when the legal proceedings in the court of exchequer will be brought to trial before a jury.

We are informed by our legal advisers that they have repeatedly pressed this matter on the attention of the law-officers of the Crown, but are unable to obtain any satisfactory information, although the case might have been brought to trial in November last or in January last.

We, therefore, feel ourselves entitled to urge upon Her Majesty's government the propriety of their at once informing us as to the time when they purpose to bring this matter to trial.

[452] *It must be apparent that this continued delay in bringing the matter to a legal issue is an act of injustice to ourselves and to the owners of the ships.

We are, &c.,
(Signed) LAIRD BROS.

No. 210.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *February* 6, 1864.

SIR: I am directed by Earl Russell to acknowledge the receipt of your letter of the 4th instant, inclosing a copy of a further letter from Messrs. Laird Brothers, requesting to know when the legal proceedings in the court of exchequer, with regard to the iron-clads now under seizure at Birkenhead, will be brought to trial before a jury; and, in reply, I am to request that you will state to the lords commissioners of Her Majesty's treasury that the only information which Lord Russell can give to their lordships on this subject is contained in my letter of the 2d instant, in which I communicated to you the answer which his lordship had received from the law-officers of the Crown, in reply to a previous inquiry made by Messrs. Laird.

I am, &c.,
(Signed) E. HAMMOND.

No. 211.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *March* 16, 1864. (Received March 17.)

SIR: I am commanded by my lords commissioners of the admiralty to request you will state to Earl Russell that they have had under their consideration the offer of Mr. Bravay for the sale of the El Tousson and El Mounassir for the sum of £300,000. My lords have had the ships carefully surveyed and valued, and they find the price put upon them by M. Bravay so much beyond their value that they are unable to enter into any negotiation for their purchase upon such terms.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 212.

Mr. Hammond to Mr. Hamilton.

[Immediate.]

FOREIGN OFFICE, *March* 17, 1864.

SIR: I have laid before Earl Russell your letter of yesterday's date, stating that the lords of the admiralty are unable to enter into any negotiation with M. Bravay for the purchase of the El Tousson and El Mounassir upon the terms offered by him; and I am, in reply, to beg that you will convey to their lordships Lord Russell's request that they will not refuse to enter upon the negotiation until he has submitted the matter to the cabinet.

I am, &c.,
(Signed) E. HAMMOND.

No. 213.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *March* 18, 1864. (Received March 19.)

SIR: In reply to your letter of the 17th instant, in regard to the expediency of submitting the question of the purchase of the El Tousson and El Mounassir for the decision of the government, I am commanded by my lords commissioners of the admiralty to request you will state to Earl Russell that their lordships will await a further communication from his lordship before proceeding in the matter.

I am, &c.,
(Signed) W. G. ROMAINE.

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[453] *No. 214.

The secretary to the admiralty to Mr. Hammond.

[Immediate.]

ADMIRALTY, *March* 21, 1864. (Received March 21.)

SIR: In reply to your letter of this day's date, I am commanded by my lords commissioners of the admiralty to transmit, in accordance with the request of Earl Russell, copies of all the correspondence which has taken place between the admiralty and Mr. Bravay in regard to the disposal of the El Tousson and El Mounassir.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 214.]

Messrs. Bravay & Co. to the lords commissioners of the treasury.

6 RUE DE LONDRES, *Paris, le* 14 *février* 1864.

MILORDS: Nous prenons la liberté d'adresser les observations suivantes au gouvernement de Sa Majesté à l'occasion des deux navires à vapeur actuellement en cours de construction pour votre compte chez MM. Laird Bros., à Birkenhead, et dont le gouvernement a cru devoir opérer la saisie.

Nous avons reçu dernièrement des offres très avantageux de plusieurs gouvernements européens pour l'achat de ces navires, mais le gouvernement de Sa Majesté ayant cru pouvoir s'opposer à la simple visite des navires, toutes les négociations relatives à une vente ont été malheureusement rompues.

Nous désirons naturellement sortir promptement de la position très sérieusement préjudiciable qui nous est faite par le gouvernement de Sa Majesté. En conséquence, nous prenons le part de lui proposer à lui-même devenir l'acheteur des navires. Si le gouvernement de Sa Majesté voulait accepter cette proposition, l'état actuel et regrettable de cette affaire cesserait à l'instant même; le gouvernement de Sa Majesté serait ainsi dégagé de toutes les réclamations très considérables que nous aurons plus tard à lui adresser pour les dommages et pertes très sérieuses qui nous ont été causés.

Nous faisons cette proposition en réciprocité d'une proposition pareille que le gouvernement nous a faite en septembre dernier, et que nous ne pouvions alors accepter, à cause de notre position et de nos engagements vis-à-vis du gouvernement égyptien. Mais maintenant la situation étant changée et ayant la libre disposition des navires, nous avons jugé convenable de présenter cette proposition au gouvernement de Sa Majesté.

Nous avons l'espoir sincère que le gouvernement ne refusera pas légèrement cette proposition, qui le dégagera des résultats sérieux qui seraient la conséquence de la continuation des procédés actuels et qui fera disparaître la cause presumée des procédés en question.

Veuillez, &c.,
(Signé) A. BRAVAY ET CIE.

[Inclosure 2 in No. 214.]

The secretary to the admiralty to Messrs. Bravay & Co.

ADMIRALTY, *February* 19, 1864.

GENTLEMEN: Having laid before my lords commissioners of the admiralty your letter of the 14th instant, offering two vessels, built by Messrs. Laird, of Birkenhead, for sale to Her Majesty's government, I am commanded by their lordships to acquaint you that they cannot enter into any negotiation for the purchase of these vessels until they shall have been carefully examined by competent persons and reported fit for Her Majesty's service, and until they have been informed what price you demand for them. I am further to acquaint you that my lords will order an examination of the vessels to be made, and they will be glad to learn from you the terms on which you are prepared to offer these vessels to Her Majesty's government.

I am, &c.,
(Signed) W. G. ROMAINE.

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[454] [Inclosure 3 in No. 214.]

Messrs Bravay & Co. to the lords commissioners of the treasury.

PARIS, *ce* 25 *février* 1864.

MILORDS: Nous avons reçu, messieurs, la lettre que vous nous avez fait l'honneur de nous écrire le 19 courant, et nous verrons avec plaisir que les personnes chargées de vous faire un rapport sur les dits navires les trouvent, après examen, propres au service de Sa Majesté.

Dès que nous aurons reçu communication de votre décision nous vous ferons connaître, milords, le prix de ces navires.

Nous vous prions de faire suivre cette affaire avec la plus grande activité, car nous recevons tous les jours des offres de divers gouvernements.

Recevez, &c.,
(Signé) A. BRAVAY ET CIE.

[Inclosure 4 in No. 214.)

The secretary to the admiralty to Captain Inglefield.

ADMIRALTY, *February* 20, 1864.

SIR: I am commanded by my lords commissioners of the admiralty to acquaint you that, an offer having been made by Messrs. Bravay to sell the two steam-rams to the government, before entering into any negotiation they are desirous of ascertaining, by a preliminary examination, how far the vessels are calculated to be of use to the navy; and their lordships have directed the comptroller to send down to Liverpool, on Tuesday, the 23d instant, experienced shipwright and engineer officers, who will be accompanied by a gunnery officer. These officers will be directed to communicate with you, and, under your superintendence, to examine the vessels as far as their present state will admit, and to furnish my lords with a joint report—

1. On the arrangements and fitness of the vessels for ships of war, as cruisers, or for harbor defense.
2. The probable character of the vessels as sea-boats, and their estimated speed.
3. Their power of resisting shot.
4. The nature of the armament they could advantageously carry.
5. The accommodation for officers and men they afford and the complement they would require as sea-going ships or as harbor-ships.
6. The nature of the rig proposed and its probable advantages or disadvantages.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 5 in No. 214.]

The secretary to the admiralty to Commander Singer, R. N.

[Confidential.]

ADMIRALTY, *February* 20, 1864.

SIR: I am commanded by my lords commissioners of the admiralty to proceed to Liverpool on Tuesday next, the 23d instant, and to communicate with Captain In-

glefield, of the Majestic, under whose superintendence you will, in conjunction with a shipwright and engineer officer, examine the two steam-rams at that place and furnish a joint report, firstly, on the arrangements, &c., as in letter to Captain Inglefield.

I am, &c.,
(Signed) W. G. ROMAINE.

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[455] *[Inclosure 6 in No. 214.]

The secretary to the admiralty to Messrs. Bravay & Co.

ADMIRALTY, *February* 29, 1864.

SIR: With reference to previous correspondence, I am commanded by the lords commissioners of the admiralty to acquaint you that they have caused the steamships El Mounassir and El Tousson to be examined, and their lordships are unable to take any further steps respecting them until they are made acquainted with the prices to be asked for these ships.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 7 in No. 214.]

Messrs. Bravay & Co. to the lords commissioners of the admiralty.

PARIS, *le* 8 *mars* 1864.

MILORDS: Nous avons en notre possession la lettre que vous nous avez fait l'honneur de nous écrire, en date du 29 février passé, par laquelle vous nous prévenez que leurs seigneuries, après avoir fait examiner les navires, ne peuvent prendre de nouvelles mesures tant qu'elles ne sauront pas le prix demandé pour ces navires. Nous espérons vous fixer, milords, à cet égard aussitôt que nous connaîtrons de MM. Laird Brothers, à Birkenhead, les constructeurs des navires, la quotité de leurs réclamations pour les dommages qui leur ont été causés par l'embargo.

Veuillez, &c.,
(Signé) A. BRAVAY ET CIE.

[Inclosure 8 in No. 214.]

Messrs. Bravay & Co. to the lords commissioners of the admiralty.

PARIS, *le* 11 *mars* 1864.

MILORDS: Vous confirmant notre lettre du 8 mars, nous avons l'honneur de vous dire que nous sommes disposés à vous vendre les deux navires, (El Tousson and El Mounassir,) achevés selon la spécification cahier des charges de notre contrat, sous lesquelles MM. Laird Brothers les construisent pour nous à Birkenhead.

Le prix auquel nous sommes disposés à négocier la vente de ces navires, ainsi achevés, est de £300,000 sterling, somme inférieure au prix que des représentants d'autres gouvernements européens nous ont déjà offert.

(Signé) A. BRAVAY ET CIE.

No. 215.

The secretary to the admiralty to Mr. Hammond.

[Immediate.]

ADMIRALTY, *March* 24, 1864. (Received March 25—5 p. m.)

SIR: In reference to M. Bravay's offer to sell for £300,000 the two iron-cased vessels built by Messrs. Laird, of Birkenhead, I am commanded by my lords commissioners of the admiralty to request that you will state to Earl Russell that my lords propose to inform M. Bravay

that they find the price named for these vessels so extravagant that they see no advantage in carrying on any negotiation on such terms, and that it has, therefore, become unnecessary for them to apply to the lords commissioners of the treasury to ascertain whether their lordships would be willing, on any terms, to waive or compromise the claims of the Crown to these vessels, as forfeited under the foreign-enlistment act.

In communicating this decision to M. Bravay my lords propose to add that they have understood the whole correspondence from the beginning to be without prejudice to the claims of either party in the
[456] pending litigation. Her Majesty's government are *prepared, as M. Bravay is aware, to justify, in law, the seizure which they have effected, and deny the existence of any legal title in M. Bravay or Mr. Laird as against the seizure which has been effected, and *à fortiori* any claim for damages on the part of either firm.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 216.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *May* 5, 1864. (Received May 6.)

SIR: I am commanded by my lords commissioners of the admiralty to transmit to you the accompanying copy of a letter, dated the 4th instant, from Messrs. Bravay, in regard to the purchase by Her Majesty's government of the steam-rams El Tousson and El Mounassir.

My lords request you will state to Earl Russell that they are prepared to pay the sum of £195,000 for the ships as they now are, and an additional sum of £25,000 to Messrs. Laird if the vessels are completed according to the original specification.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 216.]

Messrs. Bravay & Co. to the lords commissioners of the admiralty.

PARIS, *le* 3 *mai* 1864.

MILORDS: Nous avons l'honneur de vous accuser réception de votre honorée du 30 mars, par laquelle vous nous informez que le prix demandé pour les navires El Tousson et El Mounassir est tellement extravagant que leurs seigneuries ne voient aucun avantage à continuer les négociations sur ce sujet. Nous avons communiqué son contenu à M. François Bravay, notre mandant actuellement en Égypte, et nous sommes autorisés à vous dire en réponse qu'en fixant ce prix nous étions déterminés par des offres que nous avions déjà reçus d'autres gouvernements européens pour l'achat des deux navires; qu'en outre, il ne faut pas oublier que nous offrons de vendre les navires tout-à-fait finis, et prêts à prendre la mer, selon notre convention avec Messrs. Laird Brothers, prenant ainsi pour notre compte le coût, très-considérable et additionnel, occasionné par l'arrêt des travaux résultant de la saisie; ce coût est très-sensiblement augmenté par la hausse qui est survenue dans le prix de matériel et de travail; de plus, comme les vaisseaux sont très-avancés, et peuvent êtres finis en très-peu de temps, ils ont pour cette cause une plus grande valeur que des vaisseaux dont on devrait commencer la construction.

Cependant, comme nous désirons vivement mettre fin à l'état actuel de l'affaire, ce qui nous a emmené à faire la proposition de vente au gouvernement de sa majesté, nous sommes disposés à nous soumettre à une réduction sur le prix que nous avons

demandé, et nous venons, avec le plus grand respect, proposer que le gouvernement de sa majesté nous communique ses idées sur le prix qu'il voudrait nous donner.

Dans l'attente d'une réponse nous vous prions d'agréer, &c.,

(Signé) A. BRAVAY ET CIE.

No. 217.

Mr. Layard to Mr. Hamilton.

FOREIGN OFFICE, *May* 7, 1864.

SIR: I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of Her Majesty's treasury, copies of a letter and its inclosures from the admiralty, relative to the proposed purchase by Her Majesty's government of the iron-clads now under detention at Birkenhead;[1] and I am to request that you will state to their lordships that Lord Russell is of opinion that their solicitor may inform Messrs. Laird that Her Majesty's government will give
[457] the sums of £195,000 and *£25,000, as specified by the board of admiralty, for the iron-clads completed. Lord Russell considers that this price ought to satisfy M. Bravay and the Messrs. Laird, and put an end to all dispute.

I am, &c.,

(Signed) A. H. LAYARD.

No. 218.

Mr. Hamilton to Mr. Layard.

TREASURY CHAMBERS, *May* 10, 1864. (Received May 10.)

SIR: With reference to your letter of the 7th instant, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you the inclosed draught of a letter which their lordships propose to address to their solicitor, conveying to him instructions as to the negotiations with M. Bravay in regard to the purchase by Her Majesty's government of the steam-vessels El Tousson and El Mounassir, under seizure by Her Majesty's government; and I am to request that you will lay the same before Earl Russell and will ascertain whether it has the approval of his lordship.

I am to state that, since the date of your letter, Mr. Greenwood has been in communication with the attorney and solicitor general, and that the draught instructions have been framed in accordance with their views.

Earl Russell will observe that it is proposed that the communication by the solicitor of the decision of Her Majesty's government, as regards the price to be paid for these vessels, shall be addressed to Messrs. Laird and Bravay jointly.

I am to add that my lords assume, from the admiralty letter of 5th instant, that that board is prepared to pay the money offered to Messrs. Laird and Bravay out of parliamentary funds at their disposal.

I am, &c.,

(Signed) GEO. A. HAMILTON.

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[1] No. 216.

[Inclosure in No. 218.]

Draught of letter to Mr. Greenwood.

TREASURY CHAMBERS, *May*, 1864.

SIR: With reference to previous correspondence, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you the inclosed letter from the foreign office, dated 7th instant, with a letter from the secretary to the admiralty, dated 5th instant, in which it is stated that the lords commissioners of the admiralty are prepared to pay £195,000 for the steam-rams El Tousson and El Mounassir, as they now stand, and an additional sum of £25,000 to Messrs. Laird, if the vessels are completed according to the original specification.

I also transmit a letter on this subject from M. Bravay, dated Paris, 4th May.

Their lordships desire me to instruct you to observe to the claimants that M. Bravay's letter of 4th instant to the lords of the admiralty has been referred to this board; that the lords of the admiralty having declined to negotiate with M. Bravay upon the footing of the proposal originally made by him to sell to the Crown the property which he claims in the vessels El Tousson and El Mounassir, now under seizure, he, M. Bravay, inquires in his present letter what sum Her Majesty's government would be disposed to give for these vessels.

In reply to this inquiry, you are to remind M. Bravay, that these vessels are claimed by Her Majesty's government, as forfeited to the Crown, and that Her Majesty's attorney-general is prepared to establish that claim by proceeding to trial in the ordinary course of law.

You are to state that, nevertheless, Her Majesty's government would not be indisposed to deal with this case, as they have done with another recent case of the same general nature in Scotland, viz, to waive the right of the Crown to pecuniary benefit from the forfeiture (which they assume they would be able to establish) provided that such an arrangement is made as effectually to secure those public objects, which made them consider it their duty to direct the seizure.

[458] *That Her Majesty's government would be ready, on receiving from Messrs. Laird and M. Bravay a relinquishment in a binding form of their several claims on these two vessels, to pay for such relinquishment the amount which Her Majesty's government consider to be their fair and reasonable value; but not any greater or excessive amount.

That the sum at which both the vessels, in their present condition, are together valued by Her Majesty's government is £195,000, and that Her Majesty's government will also be prepared to pay the further amount of £25,000 for the completion by Messrs. Laird, according to the original contract and specifications in all respects.

I am to add, that the communication which you are thus intrusted to make, and the whole negotiation which Messrs. Laird and M. Bravay have commenced upon the subject, must of course be understood to be without prejudice to the claims either of Her Majesty's government or of M. Bravay and the Messrs. Laird in the pending litigation.

I am, &c.,

No. 219.

Mr. Layard to Mr. Hamilton.

FOREIGN OFFICE, *May* 10, 1864.

SIR: I have laid before Earl Russell your letter of this date, respecting the proposed purchase of the iron-clads by Her Majesty's government; and I am to state to you, in reply, for the information of the lords commissioners of Her Majesty's treasury, that Lord Russell approves the draught instruction of which you inclose a copy, and which it is proposed to address to their lordships' solicitor, for his guidance in this matter.

I am, &c.

(Signed) A. H. LAYARD.

No. 220.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS, *May* 14, 1864. (Received May 14.)

SIR: With reference to previous correspondence, I am commanded by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, a copy of a letter from their lordships' solicitor, dated 13th instant, reporting that he had written a letter in duplicate to Messrs. Laird's and Messrs. Bravay's solicitors, in regard to the offer of sale of the ships El Tousson and El Mounassir to Her Majesty's government.

I also inclose a copy of a note from Messrs. Laird's solicitor, acknowledging the receipt of the communication from their lordship's solicitor.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 220.]

Mr. Greenwood to Mr. Hamilton.

TREASURY, *May* 13, 1864.

SIR: In accordance with their lordships' directions, I wrote a joint letter yesterday (in duplicate) to Mr. Rowcliffe (for Messrs. Laird) and Messrs. Cotterill (for Messrs. Bravay) and sent a copy to each.

I have received to-day a letter from Mr. Rowcliffe, of which I have the honor to inclose a copy, for the consideration of their lordships.

I am, &c.,
(Signed) JOHN GREENWOOD.

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[459] [*Inclosure 2 in No. 220.]

Mr. Rowcliffe to Mr. Greenwood.

1 BEDFORD ROW, W. C., *May* 13, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date, addressed to Mr. Cotterill and myself, relating to the vessels El Tousson and El Mounassir.

It will be necessary to communicate with M. François Bravay, who is now in Egypt, upon it. Steps have been taken for doing so as speedily as possible, and a definite answer shall be sent to you at the earliest moment.

I fear, however, that instructions cannot possibly be received until Tuesday next.

I have, &c.,
(Signed) E. L. ROWCLIFFE.

No. 221.

Messrs. Rowcliffe and Cotterill to Mr. Greenwood.

1 BEDFORD ROW, W. C., *May* 20, 1864.

SIR: We are at length in a position to communicate with you definitely on the letter dated the 12th instant, which you did us the honor to address to us. The delay has arisen, as has been already explained to you, through the temporary absence in Egypt of M. François Bravay, the most important party to the negotiation.

We are happy to say that we are authorized, on behalf of our respective clients, to accept the total sum of £220,000, offered by Her Majesty's

government, in relinquishment of the Messrs. Bravay's and the Messrs. Laird's several claims on the vessels, and for the completion of them by the Messrs. Laird in all respects according to the original contract and specifications. It has been arranged between the Messrs. Bravay and the Messrs. Laird that Messrs. Laird shall receive £29,000 out of the total of £220,000; and we would, therefore, ask—

Firstly, that a sum of £191,000 shall be paid to the Messrs. Bravay, in exchange for the release of all their claims on the vessels, and that the completion of the contract shall rest between Her Majesty's government and the Messrs. Laird.

Secondly, Messrs. Laird would ask that Her Majesty's government should, at the same time as the payment is made to the Messrs. Bravay of the £191,000, pay them £4,000 balance of the £195,000. Her Majesty's government will no doubt take into consideration whether, having regard to the amount of materials and work already prepared and ready to be put in the vessels, a further payment may not be made to the Messrs. Laird; but the Messrs. Laird desire in these details to place themselves entirely in the hands of Her Majesty's government, being assured that they will be liberally dealt with.

We need scarcely assure you that, however sanguine Her Majesty's legal advisers may be of establishing the forfeiture, both the Messrs. Laird and the Messrs. Bravay, who must be most conversant with the facts, are equally confident of a verdict in their favor.

It has, nevertheless, been the strong desire of the Messrs. Bravay and the Messrs. Laird to relieve themselves of what must necessarily be a protracted and most expensive litigation, and for this reason only have the Messrs. Laird promoted the pending negotiation, and the Messrs. Bravay been induced to accept the offer of Her Majesty's government.

We have, &c.,
(Signed) E. L. ROWCLIFFE,
For Messrs. Laird.
W. H. COTTERILL,
For Messrs. Bravay.

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[460] *No. 222.

Messrs. Gregory & Co. to Mr. Greenwood.

1 BEDFORD ROW, W. C., *May* 20, 1864.

SIR: With reference to our letter to you of to-day's date, we beg to add that it is, of course, understood that the pending proceedings are stayed, and we therefore cease our preparations for trial. If any more formal termination is desired by the Crown, we would suggest that the mode and form of it should be settled between the attorney-general and Sir H. Cairns.

We are, &c.,
(Signed) GREGORY AND CO.

No. 223.

Mr. Greenwood to Messrs. Rowcliffe and Cotterill.

TREASURY, *May* 26, 1864.

GENTLEMEN: I have to acknowledge the receipt of your letter, dated

20th May, accepting the sum proposed by Her Majesty's government (in answer to M. Bravay's letter of 4th May) to be paid to Messrs. Laird and Messrs. Bravay for the relinquishment of their claims in the two iron-clad vessels at Liverpool, and for the completion of them by Messrs. Laird according to the original contract and specifications in all respects.

No objection will be made to the appointment proposed by you; but I have no authority for saying that Her Majesty's government sanction any expectation of payment of a greater sum than that specified, viz, £220,000.

I am, &c.,
(Signed) JOHN GREENWOOD.

[46] *CANTON, (OR PAMPERO.)

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66	Foreign office to home office, admiralty, and treasury.	Dec. 29, 1863	Forwarding Mr. Adams's letter.....	524	599
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68	Home office to foreign office..	Dec. 31, 1863	Letter from lord advocate. Believes plan for carrying off Pampero to be abandoned.	525	599
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72	Foreign office to admiralty....	Jan. 6, 1864	To ascertain if Pampero would be suitable for the navy.	529	603
73	Admiralty to foreign office....	Jan. 8, 1864	Orders given for survey of Pampero..	529	604
74	Treasury to foreign office.....	Jan. 13, 1864	Measures taken for removal and preservation of Pampero.	530	604
75	Admiralty to foreign office....	Jan. 18, 1864	Pampero not suitable for Her Majesty's service.	530	605
76	Foreign office to home office...	Jan. 23, 1864	.....do	531	605
77	[465] Mr. Galbraith to Mr. Bouverie.	Mar. 17, 1864	Proposed compromise on the part of the owners.	531	605
78	Lord advocate to Mr. Bouverie.	Mar. 24, 1864	Cannot agree to proposed compromise. Counter proposal.	532	606
79	Earl Russell to lord advocate.	Mar. 26, 1864	Agrees in answer to Mr. Bouverie...	533	607
80	Treasury to foreign office.....	Sept. 25, 1865	Is it necessary still to keep men in charge of Pampero?	533	608
81	Foreign office to lord advocate.	Oct. 12, 1865	May Pampero be released?	533	608
82	Lord advocate to foreign office.	Oct. 19, 1865	Vessel to be given over to owners....	533	608
83	Foreign office to treasury.....	Oct. 23, 1865	Copy of above for communication to admiralty.	534	609

*CANTON, (OR PAMPERO.)

No. 1.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, October 17, 1863. (Received October 18.)

MY LORD: It is with great regret that I find it my duty once more to call your lordship's attention to the efforts making in this kingdom to aid the insurgents in America in carrying on their resistance to the Government of the United States. I have strong reason for believing that, in addition to a very formidable steam-ram now in process of construction at the port of Glasgow, but not yet so far advanced as fully to develop her character, there is another steamer ready to be launched, called the Canton, having all the characteristics of a war-vessel, which is about to be fitted up and dispatched with the same intent from the same place. I beg leave to submit to your lordship's consideration some extracts from a letter addressed to me by W. L. Underwood, esq., the consul of the United States, giving information in regard to this case. Mr. Underwood himself entertains no doubt of the destination of this vessel, although, from the secrecy used in the process of construction and preparation, itself a cause of suspicion, he has been slow in gaining evidence on which to base a representation.

CANTON. — Correspondence.

Not doubting that Her Majesty's government will take all suitable measures to ascertain the correctness of these allegations, I pray, &c.,

(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 1.]

Mr. Underwood to Mr. Adams.

UNITED STATES CONSULATE,
Glasgow, October 15, 1863.

SIR: It is my unpleasant duty to inform you that recently it has come to my knowledge that a ship of war, in addition to the formidable iron ram of which I have heretofore given you information, is now being built, and nearly ready to launch, in the shipyard of Messrs. James and George Thomson, of this city, intended for and belonging to the Confederate States. She is after the model of the rebel ship Alabama. "Canton, London," are the words gilded on her stern. She is a clipper-built screw-steamer with three masts, two of which are iron, one of wood. Her length is from 280 to 300 feet, from stem to stern; her beam about 56 feet. Her frame is iron, bordered up with teak-wood planking about 5 inches thick on the inside up to the water-mark. She is pierced with four large port-holes and four smaller ones on each side, making sixteen in all. The larger ones seem suited for the sweep and play of pivot-guns. She is constructed to carry the greater portion of her coals in iron side-pockets between decks, so as to give an unobstructed passage clear through from one fire-room to the other. Her water-draught is marked to 15 feet. Has "eye-bolts" in her sides suitable for and intended to handle and secure her guns. She is donkey or bark rigged, and altogether similar to the Alabama, the only difference being that she has an iron frame, while the Alabama has a wooden one. She is probably from 1,200 to 1,500 tons burden, can be launched at any day, and is understood to be only waiting for the spring tide. Her

propeller is two-bladed and of composition metal, very hard, being a mixture of brass and copper, with the flanges so constructed that, in case one is injured, another may be put in its place without interfering with the bush. She is known in the yard as the "frigate." She has screw-hoisting gear for lifting her propeller, and, when it is up, has a stern that falls down and makes her appear like a sailing-ship. Her cylinder is 60 inches in diameter. Until now the eye-bolts and fixtures for running
[468] her guns in *and out, her port-holes, and other characteristic contrivances that mark a war-vessel were all visible and apparent, and with them so it was intended to have launched her on some day last week. * * * * But in order to conceal the character of the vessel, and thus elude the vigilance and avoid the interference of the government, these characteristic fixtures have been, and are being, removed. The eye-bolts for the gun-gear have been drawn, their holes stopped and effaced, and the bolts stowed away, to be replaced when the ship gets to sea. The doors or shutters of the port-holes are to be taken from the hinges, the hinges removed, and the shutters to be screwed or fastened over the port-holes, so as to present a clean side until she gets out. It is not expected she will take in her armament here. On the contrary, it is understood that, as soon as launched, she will take her boilers and heaviest machinery aboard, and will then be immediately towed to some place to me unknown, to which her remaining machinery will be transported on another vessel and then be taken on board of her. * * * * The managers of the Canton are fraudulently seeking to evade responsibility by taking advantage of what is understood to be the letter of the British rule as to a war-vessel's responsibility in leaving her ports armed, &c., while, by this very fraudulency, they are additionally criminal, since her hostile intent is as flagrant and clear as if she had her guns on board.

I can only hope you will lay this case before the British government, and that in its own wisdom it will take immediate steps to investigate the facts I have suggested, and to afford such restraint or remedy as may be consistent alike with its honor and duty.

I am happy to add that the Scotch law affords, as I am advised, peculiar facilities to such preliminary investigations as may be adopted in this case, inasmuch as, unlike the common law, it tolerates and permits an inquiry and interrogation under oath of the party immediately implicated.

I have, &c.,
(Signed) W. L. UNDERWOOD, *Consul.*

No. 2.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *October* 19, 1863.

SIR: I have the honor to acknowledge the receipt of your letter and its inclosure of the 17th instant, relative to a vessel said to be in course of construction at Glasgow, intended for the service of the so-styled Confederate States; and I have lost no time in communicating copies of the same to the proper department of Her Majesty's government, in order that immediate inquiries may be made into this matter.

I am, &c.,
(Signed) RUSSELL.

No. 3.

Mr. Hammond to the secretary to the treasury.[1]

[Immediate.]

FOREIGN OFFICE, *October* 19, 1863.

SIR: I am directed by Earl Russell to transmit to you herewith copy of a letter and its inclosures from Mr. Adams,[2] relative to a screw steam-

[1] A similar letter was addressed to the home office. [2] No. 1.

vessel which is in course of construction in the yard of Messrs. Thomson, at Glasgow, and which is alleged to be intended for the service of the so-styled Confederate States; and I am to request that, in laying the same before the lords commissioners of Her Majesty's treasury, you will move their lordships to cause immediate inquiry to be made in this matter, and to take such legal steps as may prevent any attempt to infringe the law.

I am, &c.,
(Signed) E. HAMMOND.

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[469] * No. 4.

Mr. Hammond to the secretary to the admiralty.

[Immediate.]

FOREIGN OFFICE, *October* 19, 1863.

SIR: I am directed by Earl Russell to transmit to you the accompanying copy of a letter and its inclosure from Mr. Adams,[1] respecting a vessel called the Canton, which is in progress of construction at Messrs. Thomson's yard at Glasgow, and which is stated to be intended for the service of the so-styled Confederate States; and I am to request that, in laying the same before the lords commissioners of the admiralty, you will move them to give directions that the attention of the commander of whichever of Her Majesty's ships is now stationed in the Clyde may be directed to this vessel.

I also inclose a copy of the letter which has been addressed to the treasury and home department on this subject.[2]

I am, &c.,
(Signed) E. HAMMOND.

No. 5.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
October 22, 1863. (Received October 22.)

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copy of a letter, dated this day, and of its inclosures, which have been received from the commissioners of customs respecting the screw steam-vessel building at Glasgow for the service, as is alleged, of the Confederate States of America.

I have, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 5.]

Mr. Dickins to Mr. Hamilton.

CUSTOM-HOUSE, *October* 22, 1863.

SIR: With reference to my letter of yesterday's date,[3] transmitting for the informa-

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[1] No. 1. [2] No. 3. [3] See inclosure in No. 13.

tion of the lords commissioners of Her Majesty's treasury copies of a report of the collector of this revenue at Glasgow, and of its inclosures, on the subject of a screw steam-vessel in the course of construction at that port, which, it is alleged, is intended for the warlike service of the Confederate States of America, I am now directed to transmit to you copy of a letter from Messrs. P. Henderson & Co., of Glasgow, addressed to the collector at that port, in which they state that the vessel in question was contracted for, through them, on account of Mr. Pembroke, Austin Friars, London.

I am, &c.,
(Signed) GEO. DICKINS.

[Inclosure 2 in No. 5.]

Mr. Trevor to the commissioners of customs.

CUSTOM-HOUSE, *Glasgow, October* 21, 1863.

HONORABLE SIRS: With reference to my report of yesterday's date, relative to a screw-steamer being constructed in the yard of Messrs. Thomson at this port, and supposed to be intended for the warlike service of the Confederate States of America, I have further to report that, on communicating with Messrs. Patrick Henderson & Co., highly respectable merchants in this city, I am informed the vessel referred to is for Mr. Pembroke, of Austin Friars, to whom Messrs. Henderson refer for any inquiries they having only acted in the transaction as brokers. I annex their written reply.

Respectfully, &c.,
(Signed) FREDK. TREVOR, *Collector.*

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[470] [Inclosure 3 in No. 5.]

Messrs. Henderson & Co. to Mr. Trevor.

GLASGOW, *October* 21, 1863.

SIR: Referring to your visit to us this morning, we beg (as requested by you) to repeat in writing what we then verbally stated to you, that the steamer you inquired about, building by Messrs. J. and G. Thomson, was contracted for through us on account of E. Pembroke, esq., Austin Friars, London.

We are, &c.,
(Signed) HENDERSON & CO.

No. 6.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 23, 1863. (Received October 24.)

SIR: With reference to your letter of the 19th instant, I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter, dated the 22d instant, from Captain Farquhar, the senior officer of Her Majesty's ships and vessels in the Clyde, reporting upon the iron-clad vessels building in Messrs. Thomson's yard at Glasgow, and supposed to be intended for the so-called Confederate States of America.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 6.]

Captain Farquhar to the secretary to the admiralty.

HOGUE, *Greenock, October* 22, 1863.

SIR: With reference to your confidential letter of the 19th instant, I have the honor to inform you that, from the information I have been able to glean respecting the vessel alluded to, building at Messrs. Thomson's yard at Glasgow, and also from personal

observation, there can hardly be a doubt that the statements and surmises contained in the United States consul's letter to Mr. Adams respecting her are pretty correct. She is evidently built for aggressive purposes, and, from her fine lines, she will probably have great speed. The description given of her appearance, &c., is exact.

Preparations are being made for launching this vessel, and I think it not improbable that she will be launched during the next spring tides. Great difficulty exists in ascertaining the intention of the owners regarding her after she has been launched. Formerly no obstacle was placed in the way of my inspecting Messrs. Thomson's yard and obtaining information relating to the ships building there; but much more caution is now used in affording information.

A large plated steam-ram is also being built in the same yard; but her construction has made very slow progress lately.

In the course of a day or two I have no doubt I shall be able to gather more particulars about the Canton; but I have thought it my duty to at once lay before the government the above information.

I have, &c.,
(Signed) A. FARQUHAR.

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[471] *No. 7.

Mr. Hammond to the law-officers of the Crown.

FOREIGN OFFICE, *October* 24, 1863.

GENTLEMEN: I am directed by Earl Russell to transmit to you the accompanying correspondence respecting a screw steam-vessel called the Canton, which is in the course of construction in the yard of Messrs. Thomson, at Glasgow, and which is alleged to be intended for the service of the so-styled Confederate States.[1]

You will see from the report of the collector of customs at Glasgow that the vessel in question is stated to be building for Mr. Pembroke, of Austin Friars; and I am to request that you will favor Lord Russell with your opinion whether it would be proper to ask Mr. Pembroke whether he will state for what purpose this vessel is being constructed.

I am, &c.,
(Signed) E. HAMMOND.

No. 8.

Mr. Bruce to Mr. Hammond.

[Immediate.]

WHITEHALL, *October* 24, 1863. (Received October 24.)

SIR: I am directed by Secretary Sir George Grey to acquaint you that, on the receipt of your letter of the 19th instant, a communication was immediately made to the lord provost of Glasgow respecting a screw-steamer called the Canton, which was said to be in course of construction in the yard of Messrs. J. and G. Thomson, of Glasgow; and I am to transmit to you, for the information of Earl Russell, the inclosed copies of letters from the sheriff of Lanarkshire, (to whom the lord provost referred my inquiry, Messrs. Thomson's yard being beyond the jurisdiction of the city of Glasgow,) stating all that is known respecting the Canton.

I am, &c.,
(Signed) H. A. BRUCE.

[1] Nos. 1, 2, 3, 4, 5, and 6.

[Inclosure 1 in No. 8.]

Sir A. Alison to Sir G. Grey.

SHERIFF'S OFFICE, *Glasgow, October* 20, 1863.

SIR: The lord provost of Glasgow, who is at present engaged in attendance on Prince Alfred, who is on a flying visit to this city, has put into my hands your letter of the 19th, directing inquiries to be made concerning the screw-steamer, to be called the Canton, said to be in the course of construction in the yard of Messrs. James and George Thomson, of Glasgow, near that city.

The lord provost informs me that he has already apprised you that the vessel in question is in course of construction, not in Glasgow, to which city his jurisdiction is confined, but in the river Clyde, in the county of Lanark.

I have accordingly put your letter into the hands of Messrs. Hart and Grinniel, the procurators fiscal of the lower ward of Lanarkshire, with directions to make the necessary inquiries without delay, the results of which I will communicate to you as soon as received.

I have, &c.,
(Signed) A. ALISON,
Sheriff of Lanarkshire.

472] [Inclosure 2 in No. 8.]

Sir A. Alison to Sir G. Grey.

SHERIFF'S OFFICE, *Glasgow, October* 23, 1863.

SIR: I beg to inclose a letter containing all the information which I have been able to obtain regarding a vessel which is building by Messrs. J. and G. Thomson, in the Clyde, and which, according to their statement, is not intended for either of the belligerent parties.

You will observe that Mr. Hart, the procurator fiscal, expected some additional information in the course of a day or two, which I shall transmit to you the moment I receive it.

I have, &c.,
(Signed) A. ALISON.

[Inclosure 3 in No. 8.]

Mr. Hart to Sir A. Alison.

PROCURATOR FISCAL'S OFFICE,
Glasgow, October 23, 1863.

DEAR SIR ARCHIBALD: On Wednesday last, the 21st instant, I proceeded to the building-yard of Messrs. Thomson, Clyde Bank, and saw Mr. George Thomson, one of the partners, on the subject of the letter from the secretary of state's office to the lord provost, and handed by you to me for the purpose of inquiry; and as requested by me, Mr. Thomson has sent me copy of a letter which he addressed to Mr. Trevor, of Her Majesty's customs, on the same subject, and which, he states, contains all the information he can give thereanent. It was late in the day when I saw Mr. Thomson; and yesterday being fast-day, I have not seen P. Henderson & Co., but shall endeavor to do so, and will also wait on Mr. Trevor in the course of the day, and will then communicate any further information that may be obtained. The vessel in question is No. 64 of Messrs. Thomson's series, and is named the Canton; and I may mention that Mr. Thomson stated that he was confident that the Canton is not fitted for war, and it is anything but probable that she is intended as a war-vessel for service of either of the parties in America. The Messrs. Thomson are also building another iron-clad vessel, which Mr. Thomson has mentioned is for a party in London; and he appears quite ready to show the building contract, and give any information regarding it of which he is possessed.

I remain, &c.,
(Signed) WM. HART.

[Inclosure 4 in No. 8.]

Messrs. J. and G. Thomson to Mr. Hart.

CLYDE BANK FOUNDERY,
Glasgow, October 21, 1863.

DEAR SIR: Referring to our conversation to-day, we now beg to hand annexed copy of letter sent by us yesterday to Mr. Trevor, Her Majesty's customs, relative to a screw-steamer called the Canton, presently building in our yard at Govan.

We are, &c.,
(Signed) JAMES AND GEORGE THOMSON.

[Inclosure 5 in No. 8.]

Messrs. J. and G. Thomson to Mr. Trevor.

CLYDE BANK FOUNDERY,
Glasgow, October 39, 1863.

DEAR SIR: As requested by you, we beg to confirm the verbal information we gave to you at our yard to-day, viz, that the vessel No. 64 of our series is building
[473] by us through the *order of Messrs. Patrick Henderson & Co., of this city. We are quite ready to exhibit the contract and specifications when required.

We are, &c.,
(Signed) JAMES AND GEORGE THOMSON.

No. 9.

The law-officers of the Crown to Earl Russell.

[Immediate.]

LINCOLN'S INN, *October* 26, 1863. (Received October 20.)

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 24th instant, stating that he was directed by your lordship to transmit to us the accompanying correspondence respecting a screw-steamer vessel called the Canton, which is in the course of construction in the yard of Messrs. Thomson, at Glasgow, and which is alleged to be intended for the service of the so-called Confederate States.

Mr. Hammond was also pleased to state, that we should see from the report of the collector of customs at Glasgow, that the vessel in question is stated to be building for Mr. Pembroke, of Austin Friars; and that he was directed by your lordship to request that we would favor your lordship with our opinion whether it would be proper to ask Mr. Pembroke whether he will state for what purpose the vessel is being constructed.

We are also honored with your lordship's commands signified in Mr. Hammond's further letter of the 24th instant, stating that, with reference to his letter of that day's date, he was directed by your lordship to transmit to us the accompanying further letter, and its inclosures, respecting the case of the Canton.[1]

In obedience to your lordship's commands we have taken these papers into consideration, and have the honor to report—

That the description of this vessel, given in Mr. Hammond's letter of the 15th instant, is such as to make it clearly proper that Her Majesty's government should use all legitimate means to ascertain her true char-

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[1] No. 8.

acter and destination; and, as it is stated by Mr. Hart, in his letter of the 23d instant, to Sir Archibald Alison, that Mr. Thomson "appears quite ready to show the building contract, and give any information of which he is possessed," it appears to us to be, perhaps, desirable that all the information which Mr. Thomson is able and willing to give should be obtained before any application is made to Mr. Pembroke. Subject, however, to this remark, we see no objection to the course proposed by your lordship, of inquiring from Mr. Pembroke whether he is willing to state for what purpose this vessel is being constructed.

We take notice that Mr. Underwood refers to the Scotch law as affording greater facilities than the English for conducting a preliminary investigation into cases of this kind, and as authorizing "an inquiry and interrogation, under oath of the party immediately implicated." Your lordship will doubtless be advised upon this and all other points arising in cases of the same kind in Scotland by the proper law-officers of the Crown for that part of the United Kingdom.

We have, &c.,
(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

No. 10.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 26, 1863. (Received October 26.)

SIR: With reference to my letter of the 23d instant, I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, copy of a further letter, dated the 25th instant, from Captain Farquhar, of the Majestic, giving further particulars respecting the Canton, building in the Clyde, and supposed to be destined for the so-called Confederate States.

I am, &c.,
(Signed) W. G. ROMAINE.

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[474] [Inclosure in No 10.]

Captain Farquhar to the secretary to the admiralty.

HOGUE, *Greenock, October* 25, 1863.

SIR: Referring to your confidential letter of the 19th instant, and its inclosures, I beg to lay before you the following additional information which I have obtained regarding the Canton, screw-steamer, building in Messrs. Thomson's yard, at Glasgow.

This vessel is to be launched on the 28th proximo, and afterward taken to a quay in the vicinity to have her engines and boilers put in. Her dimensions are exaggerated by the American consul, her length being 231 feet on upper deck and 33 feet beam over all.

She is being built for Mr. E. Pembroke, of Austin Friars, London, and her agents at Glasgow are Messrs. Patrick Henderson & Co. Although being fitted up as a passenger-ship, there are several peculiarities which show that when the occasion arose she might easily be converted into a vessel for aggressive purposes, not, perhaps, so much into a regular man-of-war, her scantling and upper-deck protection being rather slight —as into a second Alabama. Her ports are being planked inside, and concealed as much as possible outside, but no eye or ring-bolts are visible along her bulwarks. Her agents will give no information as to her ultimate destination or employment.

I have, &c.,
(Signed) A. FARQUHAR.

No. 11.

Mr. Bruce to Mr. Hammond.

[Immediate.]

WHITEHALL, *October* 27, 1863. (Received October 27.)

SIR: With reference to my letter of the 24th instant, I am directed by Secretary Sir George Grey to transmit to you, for the information of Earl Russell, the inclosed copy of a letter from the sheriff of Lanarkshire, forwarding a further report from the procurator fiscal relative to the steamers which are being built in the Clyde.

I have, &c.,
(Signed) H. A. BRUCE.

[Inclosure 1 in No. 11.]

Sir A. Alison to Sir G. Grey.

SHERIFF'S OFFICE, *Glasgow, October* 26, 1863.

SIR: I have the honor of inclosing another report from the procurator fiscal here regarding the iron-clads building in the Clyde, from which you will see that Patrick Henderson & Co. were the parties who had contracted for both vessels, and that they have referred to a party in London as their employers.

I have, &c.,
(Signed) A. ALISON.

[Inclosure 2 in No. 11.]

Mr. Hart to Sir A. Alison.

PROCURATOR FISCAL'S OFFICE,
County Buildings, Glasgow, October 24, 1863.

DEAR SIR ARCHIBALD: Referring to my note of yesterday, I have to mention that I have now seen Mr. Trevor, of the customs, and he informs me that he has seen one of the partners of Patrick Henderson & Co., who, in answer to inquiries, reported a party in London as the one for whom the vessel named the Canton was being built, and that this information Mr. Trevor has reported at the secretary of state's office.

With reference to the iron-clad vessel, Mr. Trevor states that about two months ago he made certain inquiries, as directed by communications received from the home office, and reported the result, which was to the effect that Patrick Henderson & Co. were the parties who had contracted for that vessel also, and that they had referred
[475] to a party *in London as their employers. In this state of matters, it seems to me unnecessary to repeat the inquiries and to report, but if desired I am ready to do so.

I am, &c.,
(Signed) WM. HART.

No. 12.

Mr. Hammond to Mr. Bruce.

FOREIGN OFFICE, *October* 27, 1863.

SIR: I am directed by Earl Russell to request that you will acquaint Secretary Sir George Grey that, having referred to the law-officers of the Crown your letter and its inclosures of the 24th instant, respecting the steamer Canton building in the Clyde, he has been advised by them that, as Mr. Hart, in his letter to Sir Archibald Alison of the 23d in-

stant, states that Mr. Thomson appears quite ready to show the building contract, and to give any information of which he is possessed regarding the vessel, it would be desirable to obtain all the information which Mr. Thomson is able and willing to give; and I am to request that you will move Sir George Grey to give directions to that effect.

I am further to state to you that the law-officers have called Lord Russell's attention to the statement made by Mr. Underwood, the United States consul at Glasgow, in his letter, of which a copy was transmitted to you in my letter of the 19th instant, to the effect that the Scotch law affords greater facilities than the English law for conducting a preliminary investigation into cases of this kind, and as authorizing "an inquiry and interrogation under oath of the party immediately implicated;" and I am to request that you will move Sir George Grey to consult the proper law-officers of the Crown for Scotland upon this, and upon all other points arising in cases of the same kind in that part of the United Kingdom.

I am, &c.,
(Signed) E. HAMMOND.

No. 13.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
October 29, 1863. (Received October 29.)

SIR: Referring to previous correspondence relating to the screw steam-vessel stated to be building at Glasgow, for the warlike service of the Confederate States of North America, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copies of a letter and accompanying documents, which my lords have received from the commissioners of customs, relating to the vessel in question.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 13.]

Mr. Dickens to Mr. Hamilton.

CUSTOM-HOUSE, *October* 21, 1863.

SIR: I am directed to acquaint you that, on the receipt of the order of the lords commissioners of Her Majesty's treasury, dated 19th instant, on the subject of a screw steam-vessel stated to be under construction in the yard of Messrs. Thomson, at Glasgow, for the warlike service of the Confederate States of America, instructions were at once forwarded to the collector of this revenue at Glasgow, to obtain and report all possible information respecting the vessel in question; and I now transmit, for
[476] the information of their *lordships, a copy of a report received this morning from that officer, together with a copy of a report of the measuring surveyor, who has inspected the vessel, and I am instructed to state, with reference to the letter of Messrs. H. and G. Thomson, of which a copy is also transmitted, that the collector has been directed to apply to Messrs. Thomson, and to Messrs. Patrick Henderson & Co., of Glasgow, therein referred to, for the name of the house in London for which the vessel is stated to have been built.

I am, &c.,
(Signed) GEO. DICKINS.

[Inclosure 2 in No. 13.]

Mr. Trevor to the commissioners of customs.

CUSTOM-HOUSE, GLASGOW, *October* 20, 1863.

HONORABLE SIRS: With reference to your honors' order of the 16th instant, transmitting the directions of the lords commissioners of Her Majesty's treasury, with copies of accompanying papers relating to a screw-steamer in the building-yard of Messrs. Thomson at this port, stated to be for the warlike service of the Confederate States of America, I respectfully report that, on accidentally hearing a rumor yesterday that a vessel in the yard referred to was supposed to be intended for a gun-boat, I directed the measuring surveyor to visit the vessel and report the result. I transmit herewith his report.

On the receipt of your honors' order I personally visited the yard, and have had an interview with Mr. Thomson, who has permitted me to see the vessel, and informs me it is proposed to launch this vessel next week, when she is to be conveyed to Finnieston quay, in this harbor, to receive her engines. In her present state she has no appearance of armament, but there is little doubt she could be converted into an armed vessel. Mr. Thomson informs me she is built under contract and specification for a house in London, whose agents at Glasgow are Messrs. Patrick Henderson & Co., and he has promised to send me a letter to this effect, stating the house to which he refers. I have informed him that the vessel will not be allowed to leave this port until directions are received from the government.

Since writing the above, I have received the letter from Messrs. Thomson, which I annex.

Respectfully, &c.,
(Signed) FREDK. TREVOR, *Collector.*

P. S.—The Messrs. Thomson do not give the name of the house in London. I will, however, make inquiry to-morrow of Messrs. Patrick Henderson & Co., and report the result.

F. T.

[Inclosure 3 in No. 13.]

Mr. Costello to Mr. Trevor.

CUSTOM-HOUSE GLASGOW, *October* 20, 1863.

SIR: I beg to state that, in accordance with your directions received yesterday, I proceeded the first thing this morning to the building-yard of Messrs. J. and G. Thomson for the purpose of examining the screw-steamer Canton. I find she has nine ports hinged and fitted on either side, four large ports very similar to the ordinary cargo ports, and five smaller ones, and from present appearances it looks as if the intention was to shut up from the inside by planking the bulwarks from deck to rail, except from the large ports, *i. e.*, two on either side. The front bulk-head of the top-gallant forecastle is not fitted in the usual manner, but is composed of a series of doors hinged at the top, and capable of being lifted up and secured to the under side of forecastle deck, or removed at pleasure. Her fittings, as far as cabin accommodation, &c., are concerned, are, to say the least, unusual, but in the present unfinished state of the ship it is difficult to say for what purpose they are intended. The poop is at present divided into two compartments aft, the front part forming one saloon or cuddy. The space between decks aft is divided into two cabins entered by separate companions, both being fitted with state-rooms, the fore one being the smaller of *the two; these cabins are now being fitted up. I beg to add that the frames of the Canton are of iron-planking, teak above the load-line, the top sides are plated with iron in the usual manner, her engine-room is 78 feet in length, the coal-bunker being fitted at the sides in the usual way. She is also fitted with a lifting-screw. I also beg to add that, when I surveyed the vessel for tonnage, she had no internal fittings whatever, and presented the usual appearance of merchant ships of her size. The dimensions are: length, 231 feet; breadth, 33 feet; depth at midships, as taken for tonnage, 18·85.

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I am, &c.,
(Signed) M. COSTELLO,
Measuring-Surveyor.

[Inclosure 4 in No. 13.]

Messrs. J. and G. Thomson to Mr. Trevor.

CLYDE BANK FOUNDERY,
Glasgow, October 20, 1863.

DEAR SIR: As requested by you, we beg to confirm the verbal information we gave to you at our yard to-day, viz, that the vessel, No. 64 of our series, is building by us through the order of Messrs. Patrick Henderson & Co., of this city. We are quite ready to exhibit the contract and specifications when required.

We are, &c.,
(Signed) GEORGE AND JAMES THOMSON.

No. 14.

Mr. Hamilton to Mr. Hammond.

[Immediate.]

TREASURY CHAMBERS,
October 29, 1863. (Received October 29.)

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, with reference to previous correspondence on the subject of the screw-steamer building at Glasgow, as has been stated, for the warlike service of the Confederate States of North America, the inclosed copies of a letter from the board of customs, and the accompanying papers; and I am to request that you will move Earl Russell to inform my lords of any directions which he may desire should be given respecting this ship.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 14.]

Mr. Dickins to Mr. Hammond.

CUSTOM-HOUSE, *London, October* 29, 1863.

SIR: With reference to my letters of the 21st and 22d instant, on the subject of the steamer Canton, now in the building-yard of Messrs. Thomson, at Glasgow, and suspected of being intended for the warlike service of the Confederate States of America, I am now desired to transmit to you, for such directions as the lords commissioners of Her Majesty's treasury may think fit to give thereon, copy of a report of the collector of this revenue at Glasgow, stating that the vessel in question would be launched this day, and requesting instructions for his guidance in the event of any attempt being made to move the vessel down the river.

I am, &c.,
(Signed) GEO. DICKINS.

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[478] *[Inclosure 2 in No. 14.]

Mr. Trevor to the commissioners of customs.

CUSTOM-HOUSE, *Glasgow, October* 23, 1863.

HONORABLE SIRS: With reference to my previous reports on the subject of the steamer Canton, now in the building-yard of Messrs. Thomson, and supposed to be intended for warlike purposes in the service of the Confederate States of America, I transmit herewith a letter from the agents, Messrs. Patrick Henderson & Co., intimating that the vessel will be launched to-morrow. I understand it is intended, imme-

diately after being launched to remove the vessel to Finnieston quay, to put in the machinery; but in the event of any attempt to take the vessel down the river, I respectfully request instructions whether I am to stop her, or what other steps I am to take.

It may be proper also to state that I have had two interviews with Mr. Underwood, the consul of the United States in this city, upon whose representation the present inquiry is being made; the first of them, on accidentally meeting him in the street yesterday afternoon, and by his calling on me at the custom-house this morning. He appears satisfied that the vessel is intended for another Alabama. I acquainted him that full inquiry was being made, the result of which would be officially reported; that I was not authorized officially to communicate with him, but that I may state generally the builder had offered to show the contract and specification under which the vessel was built, and that at present there was no appearance of armament on board, although she may be hereafter converted into an armed vessel. I further assured him that, if he wished further inquiry as regards this or any other vessel in the Clyde, it would be my duty forthwith to investigate as far as possible any circumstances he may represent in writing, reporting the result, transmitting his letter to your honors, and he would receive a reply in due course. He said I should probably hear from him shortly.

Respectfully, &c.,
(Signed) F. W. TREVOR,
Collector.

[Inclosure 3 in No. 14.]

Messrs. Henderson & Co. to Mr. Trevor.

GLASGOW, *October* 28, 1863.

DEAR SIR: We intend to launch to-morrow, at 2 o'clock, the steamer you were lately inquiring about, and if convenient, we shall feel honored by your presence on the occasion.

We are, &c.,
(Signed) P. HENDERSON & CO.

No. 15.

Hammond to the secretary to the treasury.

FOREIGN OFFICE, *October* 29, 1863.

SIR: In reply to your letters of this day's date, respecting the ship Canton, now being constructed in Messrs. Thomson's yard on the Clyde, and which is alleged to be intended for the service of the so-styled Confederate States, I am directed by Earl Russell to request that you will state to the lords commissioners of the treasury that his lordship is of opinion that it would be better to wait a few days before taking any definite steps in the matter; but it would be as well that a vigilant watch should be kept on the vessel, and that the home office should obtain all the information they can acquire regarding it, in order that the board of treasury may be apprised of anything which the home department may be able to ascertain.

I am, &c.,
(Signed) E. HAMMOND.

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[479] *No. 16.

Mr. Hammond to the secretary to the admiralty.[1]

FOREIGN OFFICE, *October* 29, 1863.

SIR: With reference to your letter of the 27th instant, I am directed by Earl Russell to transmit to you, to be laid before the lords commis-

[1] A similar letter was addressed to the home office.

sioners of the admiralty, a copy of a letter which his lordship has caused to be addressed to the board of treasury relative to the vessel Canton,[1] which is being constructed on the Clyde, and which is alleged to be intended for the service of the so-styled Confederate States.

I am, &c.,
(Signed) E. HAMMOND.

No. 17.

Mr. Bruce to Mr. Hammond.

[Immediate.

WHITEHALL, *October* 30, 1863. (Received October 30.)

SIR: I have laid your letters of the 27th and 29th instant before Secretary Sir George Grey, and I am to acquaint you, for the information of Earl Russell, that, in accordance with his lordship's request, communications have been made to the lord advocate and to the sheriff of Lanarkshire, with the view of obtaining the information reverted to in your letters respecting the Canton, and the power of investigation given by the Scotch law in such a case; and, as soon as replies are received from the lord advocate and the sheriff, copies of them will be forwarded to you.

I am, &c.,
(Signed) H. A. BRUCE.

No. 18.

Memorial from the Glasgow Emancipation Society. Received November 9.

Unto the Right Honorable Earl Russell, Her Majesty's principal secretary of state for foreign affairs:

The memorial of the committee of the Glasgow Emancipation Society humbly showeth:

That a vessel of the same description as the Alabama has been launched, (and is now in the harbor of Glasgow,) from the building-yard of Messrs. James and George Thomson, into which machinery is being rapidly placed, with the view of hurrying her out to sea, which probably will be done immediately, though in a very incomplete condition.

That this vessel is currently reported to be for the so-called confederate government of America, and to have been contracted for by Messrs. W. S. Lindsay and Company, of London. That said vessel was fitted up with gun-ports, ring-bolts for gun-tackles, powder-magazines, and shot-racks; but that these fittings were recently taken out to some extent—the gun-ports temporarily fitted up, and their appearance as much as possible disguised, by the seams being puttied and painted over.

That she has been superintended in her construction by parties understood to be southern agents, and that Captain Maffit, who commanded the confederate privateer Florida, has been within these few days in

[1] No. 15.

Glasgow, and is still understood to be here, waiting to take the command of this vessel.

Your memorialists therefore implore your lordship to take immediate steps to prevent the departure of this vessel, until a satisfactory investigation has been made into her charter, ownership, and destination.

And your memorialists will ever pray.

Signed in name and on behalf of the committee of the Glasgow Emancipation Society, this 4th day of November, 1863.

(Signed) WILLIAM SMEAL,
ANDREW PATON,
Secretaries.

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[480] *No. 19.

Mr. Hammond to Mr. Waddington.

[Pressing.]

FOREIGN OFFICE, *November* 6, 1863.

SIR: I am directed by Earl Russell to request that you will move Secretary Sir George Grey to cause his lordship to be informed whether any reports have been received at the home office on the points bearing on the case of the steam-vessel Canton, now fitting in the Clyde, referred to in my letter of the 27th of October, and in your letter of the 30th of October, namely, the contract under which that vessel is being built, and the facilities afforded by the Scotch law for inquiring into a matter of this description.

If no such reports have yet been received, Lord Russell would suggest that the authorities to whom reference has been made should be waited upon for an immediate reply, as the vessel is launched, and is now being provided with her machinery.

I am, &c.,
(Signed) E. HAMMOND.

No. 20.

Mr. Hammond to Messrs. Smeal and Paton.

FOREIGN OFFICE, *November* 7, 1863.

GENTLEMEN: I am directed by Earl Russell to acknowledge the receipt of the memorandum dated the 4th instant, and signed by you on behalf of the Glasgow Emancipation Society, requesting the interference of Her Majesty's government to prevent the departure from that port of the steam-vessel Canton, until an investigation has taken place as to her character, ownership, and destination; and I am to acquaint you, in reply, that the attention of Her Majesty's government has already been directed to this matter.

I am, &c.,
(Signed) E. HAMMOND.

No. 21.

Mr. Hammond to the secretary to the treasury.[1]

[Immediate.]

FOREIGN OFFICE, *November* 7, 1863.

SIR: With reference to previous correspondence respecting the steam-vessel Canton, which is supposed to be fitting out in the Clyde for the service of the so-styled Confederate States, I am directed by Earl Russell to transmit to you, for the information of Secretary Sir George Grey, a copy of the memorial from the Glasgow Emancipation Society, requesting the interference of Her Majesty's government to prevent the departure of this vessel.[2]

I am, &c.,
(Signed) E. HAMMOND.

No. 22.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *November* 7, 1863. (Received November 7.)

SIR: With reference to your letters of the 27th ultimo and 6th instant, I am directed by Secretary Sir George Grey to transmit to you the inclosed copy of a letter from the lord advocate, and a copy of the joint opinion of his lordship and the solicitor-general for Scotland, in the matter of the steamer Canton, which is being built in the yard of Messrs. Thomson in the Clyde, and is supposed to be intended for the service of the so-called Confederate States; and I am to request that you will submit the same to Earl Russell for his information, and at the same time to call his lordship's attention to the paragraph of the lord advocate's letter in which he states that he "will be prepared to proceed on receiving the instructions of the government."

I am, &c.,
(Signed) H. WADDINGTON.

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*[Inclosure 1 in No. 22.]

Sir J. Moncrieff to Mr. Bruce.

EDINBURGH, *November* 6, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, transmitting an extract of a letter from the foreign office of date the 27th ultimo, and a copy of the letter therein referred to from Mr. Underwood, the United States consul at Glasgow, relative to a steamer which is being built in the yard of Messrs. Thomson in the Clyde, and supposed to be intended for the service of the so-called Confederate States, and requesting my opinion as to the facilities afforded by the Scotch law for conducting a preliminary investigation into cases of this kind. I have the honor to state, for the information of Secretary Sir George Grey, that I thought it right to conjoin the solicitor-general in the opinion which I transmit herewith.

I have given instructions for the examination of Mr. Underwood, and for ascertaining such other facts as may be accessible, with a view to the preparation of such an application to the court as is suggested in the opinion, and I shall be prepared to proceed on receiving the instructions of government.

I have, &c.,
(Signed) J. MONCRIEFF.

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[1] A similar letter was addressed to the home office.

[2] Inclosure in No. 18.

[Inclosure 2 in No. 22.]

Opinion.

We have carefully considered the matters referred to in Mr. Hammond's letter to the home office of the 27th October, and that from Mr. Underwood, the American consul at Glasgow, of date the 15th October, in reference to the foreign-enlistment act, and to the proceedings which may be properly taken under that act in cases occurring in Scotland. The statute itself is drawn almost entirely with reference to English procedure, but the course specially directed to be followed is not inapplicable to Scotland, although, as regards criminal prosecutions for offenses under it, it does not appear to contemplate the ordinary action of the public prosecutor. The procedure directed by the fourth section of the statute may be held to exclude the interference of the sheriff, who is the ordinary executive and magisterial officer through whom the public prosecutor in Scotland acts; and it is certainly doubtful whether, in criminal prosecutions in Scotland, it might not be successfully contended that the fourth section of the statute must be implicitly followed.

We are not, therefore, prepared to say that this statutory offense could competently follow the ordinary course pursued in public prosecutions in Scotland. Mr. Underwood, however, is entirely mistaken in supposing that the law of Scotland gives any sanction to the examination upon oath of persons accused of crime. It permits them to make what is called a declaration before the magistrate, at which time they may be asked questions by the procurator-fiscal, which they may answer or not as they choose, and they are uniformly warned to that effect before the declaration is taken.

The public prosecutor has the right, in the course of the initial investigation before trial, if a witness refuse to answer questions which he is asked, to apply to the sheriff for a warrant to examine such witness upon oath. But this is a right very rarely and very scrupulously exercised; and the more so, that it is generally held that a witness so examined upon oath is afterward protected from prosecution.

The public prosecutor may also, in cases in which he thinks there is an urgent necessity, apply to the sheriff for a warrant to seize books or papers belonging to parties accused of crime, as well as for the seizure or detention of property, if these steps appear to him to be necessary to the ends of justice. But they are proceedings never resorted to except in cases of great and manifest crime.

In the circumstances described by Mr. Underwood we are very clearly of opinion that it is inexpedient, and have great doubts, if, under the foreign-enlistment act, it would be competent to adopt any such proceedings as those we have referred to; even if their competency were not doubtful, we should think that it would be an unjustifiable stretch of the powers of the public prosecutor to resort to them in a case in which it still remains a matter of dispute whether the facts alleged against the parties implicated amount to a crime.

We are, however, of opinion that the object which Her Majesty's government has in view of detaining the vessel in question, and having its character under the
[482] foreign-enlistment act ascertained, may be accomplished by having recourse to the civil tribunals in an action for forfeiture of the vessel, combined with an application for an interdict against the sailing of the vessel until the question under the act is disposed of. If a *prima-facie* case can be stated on the part of the government in regard to the character and destination of the vessel in question, so as to bring it within the scope of the foreign-enlistment act, we think it probable that the court would at once interdict the removal of the vessel until the legal question should be determined; and it would also be competent for the court, and we think it not improbable that they would exercise that power, to grant an order for the recovery of all books and papers relative to the vessel, under which the parties would be examined upon oath, and would be obliged to produce what documents they held, and to explain whether any of those called for had been destroyed or were in the hands of third parties. If such an order were granted, its execution would probably be the most effectual means of obtaining the evidence desired.

(Signed) J. MONCRIEFF.
Y. YOUNG.

EDINBURGH, *November* 6, 1863.

No. 23.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *November* 7, 1863. (Received November 7.)

SIR: With reference to your letter of the 27th, and Mr. Bruce's reply

of the 30th ultimo, I am directed by Secretary Sir George Grey to transmit to you the inclosed copies of letters from the sheriff and procurator-fiscal of Lanarkshire, and of the specification of the ship Canton, and to request that you will submit the same to Earl Russell for his lordship's information.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure 1 in No. 23.]

Sir A. Alison to Sir G. Grey.

SHERIFF'S OFFICE, *Glasgow, November* 4, 1863.

SIR: I have now the honor of inclosing the specifications and contracts regarding the ship Canton, now lying in the Clyde, with a full letter of information regarding it, obtained by Mr. Hart, the procurator-fiscal, which I trust will afford all the information desired by Her Majesty's government.

I have, &c.,
(Signed) A. ALISON.

[Inclosure 2 in No. 23.]

Mr. Hart to Sir A. Alison.

PROCURATOR-FISCAL'S OFFICE,
County Buildings, Glasgow, November 3, 1863.

DEAR SIR ARCHIBALD: Referring to the letter of date 30th October, from the home office, I have to mention that I have made further inquiries relative to the ship Canton. I have again seen Mr. Thomson, who has exhibited the specifications according to which she has been built, and has kindly allowed me to take a copy of them, which I now send inclosed, and which he says are the specifications specially referred to in the contract.

The contract is betwixt him, under his firm of J. and G. Thomson, and Mr. Edward Pembroke, No. 8 Austin Friars, London, and was entered into under the directions of Patrick Henderson & Co., of this city, as the brokers of Mr. Pembroke.

The vessel has now been launched, and is lying at the Finnieston crane, in the Clyde Harbor, to receive her engines, and she is expected to be completed about six weeks hence. I called at the office of P. Henderson & Co., and Mr. Robert Henderson of that firm has corroborated Mr. Thomson's statement; but the contract is in the hands of Mr. Galbraith of that firm, who is out of town to-day. I have seen Mr. Forbes,
[483] of *Moncrieff, Paterson Forbes & Ban, of this city, who prepared the contract, and Mr. Forbes showed me the draught of the contract, and I find it is precisely in the terms mentioned by Mr. Thomson; and all the parties whom I have seen have expressed the conviction that the vessel is intended for merchant service, and say they are not aware of any intention to dispose of her to either of the belligerent parties in America.

It does not occur to me that the matter can be further expiscated except by inquiries at Mr. Pembroke, in London; but I shall be glad to attend to any further directions that may be given on the subject.

I am, &c.,
(Signed) WM. HART.

No. 24.

Mr. Hammond to the secretary to the admiralty.

[Immediate.]

FOREIGN OFFICE, *November* 8, 1863.

SIR: With reference to your letter of the 23d and 26th ultimo respecting the steam-vessel Canton, now fitting in the Clyde, and suspected to be intended for the service of the so-called Confederate States, I am

directed by Earl Russell to transmit to you herewith the specifications according to which that vessel has been built and is to be fitted; and I am to request that you will move the lords commissioners of the admiralty to cause the same to be examined by some competent person, who shall be required to report whether there is anything in the specification te show that the Canton is intended for a vessel of war.

I am to request that the specification may be returned to this office.

I am, &c.,
(Signed) E. HAMMOND.

No. 25.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *November* 9, 1863. (Received November 10.)

SIR: I have laid before Secretary Sir George Grey your letter of the 7th instant, inclosing a copy of a memorial from the Glasgow Emancipation Society in the matter of the Canton; and I am to acquaint you, for the information of Earl Russell, that the memorial has been communicated to the sheriff of Lanarkshire, and he has been requested to furnish any further information which he may be able to obtain on the subject.

I am, &c.,
(Signed) H. WADDINGTON.

No. 26.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *November* 11, 1863. (Received November 11.)

SIR: With reference to your letter of the 8th instant, transmitting specifications, according to which the steam-vessel Canton, now fitting in the Clyde, and suspected to be intended for the service of the so-called Confederate States, has been built and is to be fitted, and requesting to be informed whether there is anything in the specifications to show that the Canton is intended for a vessel of war, I am commanded by my lords commissioners of the admiralty to transmit herewith, for the information of Earl Russell, a copy of a report from the chief constructor of the navy on the above subject.

I am, &c.,
(Signed) W. G. ROMAINE.

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[484] *[Inclosure in No. 26.]

Mr. Reed to the controller of the navy.

ADMIRALTY, *November* 10, 1863.

SIR: I beg leave to report that, in accordance with your instructions, I have examined the accompanying specifications, and am unable to discover in it any positive evidence that the vessel building therefrom is designed for war purposes.

It is to be observed, however, that the upper deck is of unusual thickness, and provision is made, on page 5, for laying certain undefined portions of it with oak, which is necessary if guns are to be worked there; and, on page 6, it is provided that the bulwarks which would require to be specially adapted for receiving gun-fittings, are to

be fitted to some plan which is not described, but which the owners are to furnish or approve.

It is in the construction of the upper deck and of the bulwarks that special adaptations for war purposes are to be looked for, and consequently these passages of the specification afford some grounds of suspicion.

I have, &c.,
(Signed) E. J. REED.

No. 27.

Mr. Peel to Mr. Hammond.

[Immediate.]

TREASURY CHAMAERS,
November 11, 1863. (Received November 11.)

SIR: With reference to your letter of the 7th instant I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you copy of a letter from the commissioners of customs, together with its inclosures, respecting the vessel Canton, now Pampero, building at Glasgow.

I have, &c.,
(Signed) F. PEEL.

[Inclosure 1 in No. 27.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *November* 11, 1863.

SIR: With reference to Mr. Arbuthnot's letter of the 9th instant, transmitting for the information of this board copy of a letter from the foreign office, with copy of a memorial of the committee of the Glasgow Emancipation Society, requesting that immediate steps might be taken to prevent the departure of the vessel Canton, (since named the Pampero,) on the ground that she is intended for the service of the Confederate States of America, I am directed to acquaint you that, on the receipt of Mr. Arbuthnot's letter, the board instructed their collector at Glasgow forthwith to report the present state of the vessel, and whether there was any ground to suppose that she would be hurried off to sea, and his observations generally respecting the statements in the memorial; and, inclosed, I transmit, for the information of the lords commissioners of Her Majesty's treasury, and for such directions as their lordships may be pleased to give thereon, copies of two reports from the collector at Glasgow, of yesterday's date, with copies of the letters referred to in the first report, and the original affidavits, &c., referred to in the second.

I am, &c.,
(Signed) F. G. GARDNER.

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[485] *[Inclosure 2 in No. 27.]

Mr. Trevor to the commissioners of customs.

CUSTOM-HOUSE, *Liverpool, November* 10, 1863.

HONORABLE SIRS: With reference to your honors' order of the 9th instant, inclosing copy of a memorial to the Right Honorable the Earl Russell from the Glasgow Emancipation Society, relative to the vessel, Canton, recently launched from the yard of Messrs. Thomson, I respectfully report that, prior to being launched, the name of this vessel was changed, and she is now called Pampero. She is being fitted rapidly, and may shortly be in a state to be removed down the river by a tug even before her own engines are ready.

On Saturday last the consul of the United States in this city called upon me and verbally informed me that Captain Maffit, who is reported to be commander of the confederate privateer Florida, was here, under the assumed name of Major Bissett,

superintending the fittings of the vessel, among which were water-cocks to lower the vessel in the water when desired, means for erecting mess-racks, viz, sixteen to accommodate eight men each, and that 150 lockers had been made and marked to be fitted when required. He also stated that in the front of the scroll-head there was carved a figure representing the Goddess of Liberty, with palmetto branches at her feet.

I immediately communicated this information to the measuring surveyor, and directed his attention thereto. He yesterday made his report, which I annex. This morning I addressed a note to the United States consul to request he would furnish what proof he had that Captain Maffit was here, and I inclose his reply for any further directions it may be deemed advisable to take.

There is very little doubt this vessel is not intended to be used for a merchant-vessel, although I am not aware she is fitted with any one article that may not be used by a merchant-vessel; and it is for consideration whether the fact, supposing it can be proved, that she is being fitted under the supervision of Captain Maffit will bring her within the provisions of the 7th section of the foreign-enlistment act.

At present she is being measured for registry as a British vessel, but builder's certificate and declaration of ownership have not been produced to me, consequently, under the 19th section of the merchant shipping act, (part 2,) she is prohibited from going to sea until certificate of registry be produced. It may, however, be attempted to take her to sea without registry, in which case she can, I apprehend, be detained under the 102d section of that act.

I have given instructions to have this vessel carefully watched, and in the event of her being removed, either by night or day, the circumstance may be reported to me.

Respectfully, &c.,
(Signed) FRED. W. TREVOR,
Collector.

P. S.—Since writing the above I have been called on by the American consul to receive affidavits regarding this vessel under the foreign-enlistment act, which will be forwarded by first post after the same are completed.

F. W. T.

NOVEMBER 11, 1863.

[Inclosure 3 in No. 27.]

Mr. Costello to Mr. Trevor.

CUSTOM-HOUSE, *November* 9, 1863.

SIR: Referring to your instructions and memorandum received on Saturday last, I beg to state that I visited and examined the Pampero this morning. I find she has an allegorical figure on the front of the scroll-head, similar to that described in your note. There are two large water-tanks in the fore hold, placed farther aft than we usually find them in merchant-ships; in the fore compartment of the space between decks the rooms are being punched through and through, and the holes so made may be intended to swing or fit up mess-racks as suggested. The boilers and engines are all fitted below the first deck; the boilers appear to me of an unusual shape, and look more like a series of tanks than the ordinary boilers. If the 150 lockers, referred to in your note, were fitted, they have probably been removed, or they must still exist under the forecastle-deck, which I could not have examined without exciting suspicion. Neither could I get into the fore hold from a like cause. I may, however, observe in passing, that I [486] do not believe that *" water-cocks" are fitted for the purpose of sinking the ship in the water unless they communicate with tanks fitted inside; for I am aware that water-ballast cannot be availed of unless it be confined in casks, tanks, or bags, fitted for the purpose. I beg to add, that I will give the matter my best attention, and acquaint you from time to time with the state of the ship as she approaches completion.

I am, &c.,
(Signed) M. COSTELLO,
Measuring Surveyor.

NOVEMBER 9, 1863.

The surveyor will report whether the boilers he referred to may be used separately, that is, some for the reception of water only, and the others to work the engines; also, whether there be any other tanks fitted within the engine-space.

F. W. T.

Mr. Costello to Mr. Trevor.

NOVEMBER 9, 1863.

SIR: Referring to the above I beg to state that, in my opinion, the boilers may be used separately; and, consequently, those not used for generating steam may be filled and emptied at pleasure. I beg to add that there are no other tanks fitted in the engine-space.

I am, &c.,
(Signed) M. COSTELLO.

[Inclosure 4 in No. 27.]

Mr. Underwood to Mr. Trevor.

UNITED STATES CONSULATE,
Glasgow, November 10, 1863.

DEAR SIR: Thanking you for your kind favor of this morning, I am happy to inform you that there is a man here named John Murray, (I believe his name is John,) who was a private on the Florida, of which Maffit was captain, who told me and several others that Maffiit was here. I had learned this before by a letter from a friend, written to me from Liverpool. Murray is staying at 120 Bromielaw, at Mrs. Lester's, and is now working on the Will o' the Wisp, at the west end of Mares Bank Key, supposed to be a blockade runner. There are a number of others of the crew of the Florida here, for what purpose I do not know. I have been informed Captain Maffit passes under the name of Major Bissett or Bisken.

Yours, &c.,
(Signed) W. L. UNDERWOOD.

[Inclosure 5 in No. 27.]

Mr. Trevor to the commissioners of customs.

CUSTOM-HOUSE, *Glasgow, November* 10, 1863.

HONORABLE SIRS: I transmit herewith a requisition from the consul of the United States of America, with the affidavits of himself and five other persons relative to the vessel Pampero, the subject of my report of this date.

These papers are given to me very late this afternoon, with a request they may be forwarded by this post; consequently, I have not been able to have them copied, but in a hasty perusal I do not see any fact advanced not previously reported on, or any ground to justify the seizure of the vessel under the foreign-enlistment act.

Respectfully, &c.,
(Signed) FRED. W. TREVOR,
Collector.

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* [Inclosure 6 in No. 27.]

Mr. Underwood to Mr. Trevor.

NOVEMBER 10, 1863.

I, the undersigned, Warner Lewis Underwood, consul of the United States of America for the port of Glasgow and its dependencies, do hereby apply to you, on behalf of the Government of the United States of America, to seize and detain a bark-rigged steam-vessel called the Pampero, launched from the yard of Messrs. James and George Thomson, at Glasgow, on or about the 29th day of October last, and now lying in the river Clyde at or near the Broomilaw, Glasgow, with her tackle, apparel, and furniture, with all the materials, arms, ammunition, and stores which may belong to or be on board of the said vessel, pursuant to the powers given to you on that behalf by the 7th section of the act of Parliament 59 Geo. III, cap. 69, on the ground that such vessel is being equipped, furnished, fitted out, and armed, in order that such vessel shall be employed in the service of the persons assuming to exercise the power of government, and called the Confederate States of America, and with the intent to cruise and commit hostilities against the Government and citizens of the United States of America, with which Government Her Majesty the Queen is not now at war.

(Signed) W. L. UNDERWOOD,
United States Consul.

[For inclosures 7 to 12 in No. 27 see inclosures 1 to 6 in No 37.]

No. 28.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *November* 11, 1863. (Received November 12.)

SIR: I am directed by Secretary Sir George Grey to transmit to you the inclosed copy of a further letter from the lord advocate, respecting the vessel called the Canton; and to request that you will submit the same to Earl Russell with reference to my letter of the 7th instant.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure in No. 28.]

Sir J. Moncrieff to Mr. Bruce.

EDINBURGH, *November* 9, 1863.

SIR: With reference to my communication to you of the 6th instant relative to a vessel said to be in course of construction in the river Clyde for the so-called Confederate States, I have the honor to state, for the information of the Secretary Sir George Grey, that I learn from the procurator-fiscal of Glasgow that he has been in communication with the treasury on this subject, and has already transmitted the particulars of such information as he has been able to obtain. I shall not, therefore, proceed further in the inquiry until I receive instructions.

I have, &c.,
(Signed) J. MONCRIEFF.

No. 29.

The law-officers of the Crown to Earl Russell.

LINCOLN'S INN, *November* 13, 1863. (Received November 13.)

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 11th November instant, stating that, with reference to the report of the 25th ultimo, he was directed
[488] by your lordship to transmit to us, together with the former * papers, the accompanying further correspondence which has passed respecting the case of the Canton, from which we should see the result of the inquiries that have been instituted in Scotland with regard to that vessel, and especially to call our attention to the specification of the fitting and structure of the ship, and to the report thereon furnished by the constructor to the admiralty, and to request that we would again take this case into consideration, and furnish your lordship with our opinion as to whether there would now be any objection to asking the alleged owner of the Canton, Mr. Pembroke, to explain for what she is intended, and generally as to the course which Her Majesty's government should pursue in the matter.

We are also honored with Mr. Hammond's further letter of the same day's date, transmitting a letter from the board of treasury, containing further particulars respecting the case of the Canton.

In obedience to your lordship's commands we have taken this case into consideration, and have the honor to report:

That we do not, as yet, find in the papers before us sufficient grounds to justify a seizure of this vessel under the foreign-enlistment act; but we think that there are sufficient grounds for keeping a strict watch over her, and not suffering her to leave the Clyde without some further in-

quiry. The evidence already obtained, although not conclusive as to her character, seems to us to be enough to show that she is intended for some warlike service; but whether this is a fixed, or only a contingent and conditional intention, and for what particular service she is designed,are points as to which no light is afforded by the present evidence. It is to be observed that the builder's specification, in this case, extends expressly to some degree of "fitting out" and "equipment," as well as to mere construction; and the suspicion excited in Mr. Reed's mind, (see his report to the admiralty, under date 10th March, 1863,) by those parts of the specification which relate to the construction of the upper decks and the bulwarks (the latter "to be fitted to some plan which is not described, but which the owners are to furnish or approve") is amply confirmed by the facts now ascertained, as to the port-holes, which, after having been carefully constructed, were again closed up, so as (apparently) to admit of their being easily reopened, although for the present concealed. On the other hand, it is to be observed that in the specification the ship is called a merchant-vessel, and there is nothing as yet beyond report and surmise to connect her with the Confederate States. If the circumstances to which we have referred are indicative of disguise and concealment, it may, on the other hand, be said that the conduct of Messrs. Henderson & Co., and of Messrs. Thomson & Co., in giving information and producing documents, has been fair and open, and it is not yet ascertained whether Mr. Pembroke, on being applied to, will also be willing to give information or not. We think that it may be proper, in these circumstances, now to write to that gentleman to the effect that it has become the duty of Her Majesty's government to institute a very strict inquiry into the character and destination of the ship in question, which appears by the contract and specification produced at Glasgow by Messrs. Thomsom & Co. to have been built for him, and that Her Majesty's government think it right to offer him the opportunity of giving them such information as to her destination and the purpose for which she is intended as (with the knowledge which he must of course possess of the object with which it is sought) he may be willing to afford. We should hardly anticipate that, in the result, any really useful or satisfactory information will be obtained from Mr. Pembroke, and it will be desirable (if this has not already been done) to ascertain exactly who and what Mr. Pembroke is, and whether any evidence connecting him in any way with the agents of the Confederate States in this country is likely to be obtained. It will also be important to obtain, if possible, evidence of the fact (alleged by the United States consul at Glasgow, but as yet not at all verified) that Captain Maffit, of the Florida, is now in Glasgow, passing under a feigned name, and superintending or taking a visible and practical part and concern in the preparations of this vessel for sea. Such a fact, if proved by satisfactory evidence, might probably be enough (together with the other facts already known) to justify the institution of proceedings in the court of session, of the nature suggested by the law-officers for Scotland, for an interdict against the departure of the ship; and whenever there is sufficient evidence, in the opinion of the Scottish law-officers, to justify such a step, we think it will be far more desirable to take it than to proceed (as it is necessary to do in England) by a seizure without judicial warrant.

We have, &c.,
(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

[489] *No. 30.

Mr. Hammond to Mr. Waddington.

FOREIGN OFFICE, *November* 13, 1863.

SIR: I have laid before Earl Russell your letters of the 7th instant, inclosing a report from the law-officers of the Crown in Scotland, respecting the case of the steam-vessel Canton, now fitting in the Clyde, and the specification according to which that vessel was built.

Lord Russell thought it right at once to refer those specifications to the board of admiralty; and I am now to inclose, to be laid before Secretary Sir George Grey, a copy of the report made on them by the constructor of the navy to that department.[1]

I am further to inclose a copy of a letter from the board of treasury, with the documents referred to in it, containing further particulars supplied by the collector of customs at Glasgow, respecting the Canton, which appears, since it was launched, to have taken the name of the Pampero.

I am to state to you, for Sir George Grey's information, that Lord Russell having referred the above-mentioned, as well as all other papers in the possession of this office relating to the Canton, to the law-officers of the Crown, has received from them their report, of which I inclose a copy.[2]

Sir George Gray will perceive that, although the law-officers are of opinion that no sufficient ground yet appears for seizing the Canton under the foreign-enlistment act, there are sufficient grounds for not allowing her to leave the Clyde until further inquiry; that it would be proper now to address an inquiry to Mr. Pembroke, who is stated to be the person for whom the vessel is being built, as to the character and destination of the ship; that it will further be proper to obtain some information respecting Mr. Pembroke himself; that evidence should also be obtained in regard to the alleged presence in Glasgow of Captain Maffit, of the confederate steamer Florida, and of any proceedings on his part in connection with the Canton; and, lastly, that whenever sufficient evidence is obtained, in the opinion of the Scottish law-officers, to justify proceedings in the court of session for an interdict against the departure of the vessel, they think it will be far more desirable to take that step than to proceed, as it is necessary to do in England, by a seizure under judicial warrant.

Under these circumstances I am to request that you will move Sir George Grey to take such steps as may appear to him advisable, for giving effect, without delay, to the opinion of the law-officers of the Crown; and Lord Russell will merely inform the boards of treasury and admiralty that the matter is now in the hands of the home department.

I take this opportunity to forward to you copies of all the papers in the case in the possession of this office, which are not known to be also in the possession of the home office.

I am, &c.,
(Signed) E. HAMMOND.

[1] Inclosure in No. 26. [2] No. 27.

No. 31.

Mr. Hammond to Mr. Waddington.

[Pressing.]

FOREIGN OFFICE, *November* 13, 1863.

SIR: With reference to my other letter of this day's date, respecting the case of the Canton, *alias* Pampero, at Glasgow, I am directed by Earl Russell to request that you will call Sir George Grey's special attention to that passage in the report of the law-officers which states that there are sufficient grounds for keeping a strong watch over her, and not suffering her to leave the Clyde without some further inquiry; and that you will suggest, for his consideration, whether directions to that effect should not be immediately given, through the lords commissioners of Her Majesty's treasury, or through some other sufficient authority.

I am, &c.,
(Signed) E. HAMMOND.

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[490] *No. 32.

Mr. Hammond to the secretary to the admiralty.[1]

FOREIGN OFFICE, *November* 13, 1863.

SIR: With reference to your letter of the 11th instant, I am directed by Earl Russell to request that you will state to the lords commissioners of the admiralty that the case of the Canton, otherwise called Pampero, the vessel fitting in the Clyde, and which is alleged to be intended for the service of the so-styled Confederate States, is now in the hands of Her Majesty's secretary of state for the home department, to whom all the papers relating to it have been referred.

I am, &c.,
(Signed) E. HAMMOND.

No. 33.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *November* 13, 1863. (Received November 14.)

SIR: I am directed by Secretary Sir George Grey to acknowledge the receipt of your letter of this date, and to transmit herewith, for the information of Earl Russell, a copy of a letter which has in consequence been addressed to the lord advocate.

Having done this, if, as Sir George Grey presumes, the lord advocate will make immediate application to the court, he thinks that it would be inexpedient to direct any other authority acting independently of, and without communication with the lord advocate, to seize the vessel, but it appears to him that the treasury may be requested to send direc-

[1] A similar letter was addressed to the treasury.

tions to the officers of the customs in the Clyde to keep a watch on the vessel, and to report immediately to the lord advocate if they have reason to believe that she is about to proceed to sea. And further that, if the lord advocate should inform them that the vessel ought to be seized, they should act at once on his opinion, and seize her, in order to prevent her leaving the Clyde.

Instructions might also be given to the officer in command of Her Majesty's ships in the Clyde to afford every assistance which may be required by the officers of the customs in giving effect to their instructions.

Sir George Grey presumes that, if Earl Russell concurs in this view, his lordship will, as in other cases, address these communications to the treasury and the admiralty.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure in No. 33.]

Mr. Waddington to the lord advocate.

[Pressing.]

WHITEHALL, *November* 13, 1863.

MY LORD: I am directed by Secretary Sir George Grey to acquaint your lordship that your letters of the 6th and 9th instant, relative to the vessel called the Canton, have been communicated to Earl Russell; and I am to transmit to your lordship a letter which has been received from the foreign office, and the papers which accompanied it, (among which are a case laid before the law-officers of the Crown and their opinion thereon,) and if the facts now stated appear to your lordship and the solicitor-general for Scotland to be sufficient to make such a *prima facie* case as would justify the application to the court suggested in your letter of the 6th instant, Her Majesty's government are of opinion that that course should be taken without delay. I am also to request that your lordship will endeavor to obtain evidence in regard to the alleged presence in Glasgow of Captain Maffit, of the confederate steamer Florida.

[491] *The papers are sent as received from the foreign office, as there is not time to make copies, and your lordship will be pleased to return them to me.

I have, &c.,
(Signed) H. WADDINGTON.

No. 34.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *November* 14, 1863.

SIR: With reference to my lettter of yesterday's date respecting the case of the Canton *alias* Pampero, I am directed by Earl Russell to request that you will acquaint the lords commissioners of Her Majesty's treasury that the law-officers of the Crown have reported to him that, although the evidence in regard to the destination of that vessel is at present not such as would warrant her seizure under the foreign-enlistment act, there are sufficient grounds for keeping strict watch upon her, and for preventing her from leaving the Clyde until further inquiry has been made.

Sir George Grey has transmitted to the lord advocate of Scotland the whole of the papers in the case, and has informed him that if, in his opinion and in that of the solicitor-general for Scotland, the facts appear to be sufficient to make such a *prima facie* case as would justify an application to the court of sessions to prevent the departure of the

vessel from the Clyde, Her Majesty's government are of opinion that that course should be taken without delay.

In this state of things, and as it would be inexpedient to direct any other authority, acting independently and without communication with the lord advocate, to seize the vessel, I am only to request that you will move the lord commissioners of Her Majesty's treasury to send directions to the officers of the customs in the Clyde to keep a watch on the vessel, and to report immediately to the lord advocate if they have reason to believe that she is about to proceed to sea; and further, if the lord advocate should inform them that the vessel ought to be seized, to act at once on his opinion and seize her, in order to prevent her leaving the Clyde.

I am to add that Lord Russell has requested the lords commissioners of the admiralty to instruct the officer in command of Her Majesty's ships and vessels in the Clyde to afford every assistance which may be required by the officers of the customs in giving effect to their instructions.

I am, &c.,
(Signed) E. HAMMOND.

No. 35.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *November* 14, 1863.

SIR: With reference to my letter of yesterday's date respecting the case of the Canton *alias* Pampero, I am directed by Earl Russell to request that you will acquaint the lords commissioners of the admiralty that the law-officers of the Crown have reported to him that, although the evidence in regard to the destination of that vessel is at present not such as would warrant her seizure under the foreign-enlistment act, there are sufficient grounds for keeping strict watch upon her, and for preventing her from leaving the Clyde until further inquiry has been made.

Sir George Grey has now transmitted to the lord advocate of Scotland the whole of the papers in this case, and has informed him that if, in his opinion and in that of the solicitor-general for Scotland, the facts appear to be sufficient to make such a *prima facie* case as would justify an application to the court of sessions to prevent the departure of the vessel from the Clyde, Her Majesty's government are of opinion that that course should be taken without delay.

In this state of things, and as it would be inexpedient to direct any other authority, acting independently and without communication with the lord advocate, to seize the vessel, Lord Russell has merely requested the lords commissioners of Her Majesty's treasury to send directions to the officers of the customs in the Clyde to keep a watch on
[492] *the vessel, and to report immediately to the lord advocate if they have reason to believe that she is about to proceed to sea; and further, if the lord advocate should inform them that the vessel ought to be seized, to act at once on his opinion and seize her, in order to prevent her leaving the Clyde.

I am now to request that, in laying this letter before the lords commissioners of the admiralty, you will move their lordships to instruct the officer in command of Her Majesty's ships and vessels in the Clyde

to afford every assistance which may be required by the officers of the customs in giving effect to their instructions.

I am, &c.,
(Signed) E. HAMMOND.

No. 36.

Mr. Hammond to Mr. Waddington.

FOREIGN OFFICE, *November* 14, 1863.

SIR: I have laid before Earl Russell your letter of yesterday, respecting the case of the Canton, *alias* Pampero, now fitting in the Clyde; and I am to request that you will acquaint Secretary Sir George Grey that his lordship concurs in the course recommended by him, and I inclose copies of letters which, in conformity with Sir George Grey's opinion, I have this day addressed, by his lordship's directions, to the secretaries of the board of treasury and admiralty.[1]

I am, &c.,
(Signed) E. HAMMOND.

No. 37.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, November 14, 1863. (Received November 14.)

MY LORD: I have the honor to submit to your consideration copies of a number of additional depositions, taken before the collector at Glasgow, all going to corroborate the evidence already presented touching the outfit and preparation of the steamer Canton, *alias* Pampero, for objects similar to those now prosecuted by the Japan, *alias* the Georgia, issued from the same port.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 37.]

Deposition of Warner Lewis Underwood.

I, Warner Lewis Underwood, of No. 5 Newton Terrace, Sanchiehall street, in the city of Glasgow, in the county of Lanark, make oath and say that I am consul of the United States of America for the port of Glasgow and its dependencies; that I have now resided in Glasgow in discharge of the duties of the said consulate for upward of one year; that shortly after my arrival here my attention was called to the fact that there was being built, in the ship-yard of Messrs. James and George Thomson, of Glasgow, a vessel of war for the use of the so-called Confederate States, then in rebellion against the United States of America, known as the Ram, and now in process of construction and unlaunched in the yard of the said James and George Thomson, being a formidable iron-clad vessel of war; that some months ago I learned that a further vessel was in course of construction by the said James and George Thomson, and the said last-mentioned vessel has been recently launched from the ship-yard of the said James and George Thomson, and is now lying in the river Clyde, at or near

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[1] Nos. 34 and 35.

to the foot of Finnestin street, Broomidan; that my attention was further directed to the construction of such vessels of war and to the object of their construction by a perusal of the intercepted correspondence between the agents of the confede-
[493] rates in America and those in Europe, which is more particularly *referred to in the accompanying affidavit of Mr. Thomas Haines Dudley, to which reference is here made, and which is adopted and made part of this affidavit, a copy of said correspondence having been sent to me by the United States Secretary of State; that before being launched the said last-mentioned vessel had gilded on her stern the words "Canton, London;" that on the day she was launched the word "Canton" had disappeared, and the word "Pampero" was gilded where it had been, and also was seen on a flag which floated from one of her masts; that I was present on the immediate opposite side of the Clyde at the time of the launch, the river being there, in my judgment and opinion, about 200 yards wide; that I was in full view of the ship, and, besides, had a strong glass with which to aid my vision; that there were not a great many persons present, but I had pointed out to me, by a gentleman who knew them, Messrs. James Galbraith and Robert Henderson, known members of the firm of Patrick Henderson & Co., and recognized agents in Glasgow of W. S. Linsay & Co., of London; that these two gentlemen, in company with one or two others whom I did not know, immediately prior to the launching of said ship, took an active and conspicuous part in looking after the preparations of the launch, giving, apparently, directions concerning it; that on the day after the launch the following notice of it was published in the same words in the Journal, Mail, and Herald, newspapers published in Glasgow:

"Messrs. James and George Thomson launched, yesterday, from their building-yard at Goran, a screw-steamer of about 1,000 tons register. This vessel has been constructed for London owners, and as she took the water was named the Pampero by Mrs. Galbraith. After the launch the friends of the owners and builders present adjourned to the model-room, where the usual good wishes on such occasions were expressed and responded to."

That prior to the launch of said ship I had frequently seen her, and I state that she was at first constructed with eight port-holes, plainly to be seen; that a short time, say a week or ten days, before she was launched, those port-holes were carefully closed, and effaced by putty and paint, or other material, so that no trace could be seen of them, except that the hinges of their doors were visible; that I have the following distinct items of information touching said vessels, which I fully and sincerely believe to be true, most of which can be verified and established by an inspection of the vessel, to wit:

1. That, in addition to the port-holes above spoken of and referred to, she was at first constructed with eye or ring bolts, corresponding with said port-holes, suited for and intended to handle guns; that these eye-bolts, with one or two exceptions, have been removed, and the places where they have been disguised by facings on the bulwarks, and the eye-bolts stowed away to be inserted hereafter.

2. That she had magazines constructed; these have been attempted to be concealed and disguised under the appearance of water-tanks.

3. That she has 150 lockers, and sixteen mess-racks, or more, for eight men each.

4. That she has about fifteen holes or apertures in the bottom, duly secured by valves and stop-cocks, for the rapid introduction of water into her hold, with an appropriate number of pumps to pump it out again as required.

5. That her machinery and boilers are those of a war-vessel, all under water-line, and thus out of reach of an enemy's shot, while at the same time they occupy much of the space appropriated to cargo in a merchant-vessel.

6. That the form, material, and arrangements of her propeller indicate that she is a vessel of war.

7. That the bulwarks are about seven feet high, so as to conceal her crew from the sight of an opposing vessel and to afford them protection.

8. That on her cut-water or bow, immediately under the bowsprit, is painted or gilded a miniature figure, about a foot high, of the Goddess of Liberty, with a staff in her hand, on which is surmounted a liberty-cap, and what is intended, I believe, the palmetto-plant, is springing up around her feet. I further state that I have been informed, and verily believe, that the contract with the Messrs. Thomson for the building of said ship Pampero was and is entered into with a certain party acting as the agents of the so-called Confederate States of America; that Captain Sinclair, mentioned in the exhibit (D) to Mr. Dudley's affidavit, together with Messrs Tennett and North, officers of the confederate navy, have been spending most of this year, and perhaps a part of last, in Glasgow and its vicinity, and, according to my information and belief, giving necessary oversight and attention to the construction of said vessel and the ram first mentioned; that, from the foregoing facts and the affidavits of Thomas Haines Dudley, John Latham, Archibald McClellan, and William Dryer, and facts which have come to my knowledge in a confidential manner, and which I am not now at liberty to use, I am satisfied, and fully believe, said vessel Pampero is a war-
[494] vessel, built and intended for the so-called *Confederate States in America, to

commit acts of hostility and make war upon the Government and people of the United States.

(Signed) W. L. UNDERWOOD.

Sworn before me at the custom-house in Glasgow this 10th day of November, 1863.

(Signed) FRED. W. TREVOR,
Collector.

[Inclosure 2 in No. 37.]

Deposition of Thomas H. Dudley.

I, Thomas Haines Dudley, of No. 3 Wellesley Terrace, Prince's Park, Liverpool, in the county of Lancaster, esquire, do solemnly, sincerely, and truly affirm and declare that the taking of an oath is contrary to my conscientious scruples, and I do also solemnly, sincerely, and truly affirm and declare as follows: That I am the consul of the United States of America for the port of Liverpool and its dependencies; that soon after the publication hereinafter referred to I received information from the Government of the United States that certain correspondence between the government of the so-called Confederate States of America and their agents to their representatives and agents in Europe had been intercepted, and that the same was then in the hands of the Government of the United States of America; that soon after I had received the above information I received from the State Department of the United States a copy of the Daily National Intelligencer, published at Washington, on Saturday, the 17th day of January, 1863, containing the publication of said intercepted correspondence; that I now refer to the said copy of the said newapaper, which is annexed and signed by me as relative hereto, and particularly to certain portions of said correspondence and memorandum therein published, consisting: 1. Of duplicate letter from Mr. Mallory to Mr. Mason, dated October 26, 1862. 2. Letter from George N. Sanders to Reed Sanders, dated August 5, 1862. 3. Unsigned letter or memorandum (without date) addressed to the Hon. S. R. Mallory, secretary of the navy. 4. Memorandum following the last-mentioned unsigned letter or memorandum, without date or address. 5. Letter from Mr. S. R. Mallory, secretary of the navy, to the Hon. C. G. Memminger, secretary of the treasury, dated October 27, 1862. 6. Letter from Mr. Memminger to Mr. Mallory, dated October 36, 1862. 7. Letter from Mr. Mallory to Mr. Mason, dated October 30, 1862; which said letters and memoranda are marked A, B, C, D, E, F, and G, respectively, on said copy of newspaper, and initialed by me as relative thereto; that since the publication in the newspaper above mentioned of the intercepted correspondence I have received from the State Department the original manuscripts from which the aforesaid publication was made, and I have the said original manuscripts in my possession at Liverpool, and am prepared to produce them when required by the proper authorities; that I understand and believe the house of Galbraith & Co., referred to in memorandum D, before mentioned, is the same house as Messrs. Patrick Henderson & Co., of Glasgow, of which firm Mr. James Galbraith is, I believe, one of the partners.

(Signed) THOMAS H. DUDLEY.

Affirmed at the custom-house in Glasgow this 10th day of November, 1863.

(Signed) FRED. W. TREVOR,
Collector.

[Inclosure 3 in No. 37.]

Deposition of John Latham.

I, John Latham, of No. 8 Douglas street, in the city of Glasgow, and county of Lanark, make oath and say: That I am an engineer, and have served as engineer of steamers for the last eight years; that I have served on board of war-ships for five years, and for about five months I served as fireman on board of the Alabama; that I have also served in the merchant service for about four years; that I have seen the vessel called the Pampero, which has been recently launched from the ship-building yard of Messrs. James and George Thomson, of Glasgow; that I was on board of her before she was launched; that nine port-holes were pierced on each side of said ship, and one of these port-holes on each side appeared to be intended as a gangway; that before said ship was launched the said port-holes, with the exception of one on each side, were closed with movable shutters, and these movable shutters were secured by rivets on
[495] the inside, and I saw the joints or seams where the shutters met filled up with red-lead putty and painted over, and nothing is now visible of the aforesaid port-holes but the hinges of the said movable shutters; that I observed rings or eye-bolts on the side of the said ship on each side of each of the said port-holes; that I

afterward saw some of these rings or eye-bolts removed, and the sides of the ship are now cased over, and the places intended for fastening on these rings or eye-bolts are not now visible; that I have always seen similar rings or eye-bolts in the men-of-war in which I have served, and they are used for the purpose of securing the guns and of moving them backward and forward; that in the merchant-vessels in which I have sailed I never saw such rings or eye-bolts as I have described, and there is no use for them in merchant-vessels; that the name "Canton, London," was at first gilded upon the stern of the said ship, but that before the said ship was launched that name was changed to Pampero; that I believe the said ship was known and designated in the yard of Messrs. James and George Thomson as the frigate, and on one occasion, when I was in the yard, I asked for one Charles Gibson, who had been in the employment of Messrs. Thomson, and I was informed by one of the engineers working in the yard that he did not know the man, but that, if I went over to the frigate, (pointing to the said vessel now called the Pampero,) I would likely find him there; that the bulwarks of said ship are between seven and eight feet in height; that I have seen the boilers and engines of said vessel; that the boilers are four in number and are flat in construction; that the engines are horizontal, and the whole, both boilers and engines, are under the water-line; that the construction of the boilers is such as to take up a deal of carrying space, which would not suit a merchant-vessel; that, in order to save space, a merchant-ship would likely have two boilers, in place of four, and such boilers could be made of the same extent of the Pampero by being constructed, as is usual in merchant-ships, above the water-line; that the said ship appears to be about two hundred and fifty feet in length and between forty and fifty in beam; that, from the whole construction and build of the said ship, I consider and declare that the said ship is intended and adapted for warlike purposes, and not for mercantile purposes.

(Signed) JOHN LATHAM.

Sworn before me at the custom-house in Glasgow this 10th day of November, 1863.

(Signed) FRED'K W. TREVOR,
Collector.

[Inclosure 1 in No. 37.]

Deposition of William Dayer.

I, William Dayer, ship-joiner, of No. 29 Salisbury street, in the city of Glasgow, and county of Lanark, make oath and say: That I am presently in the employment of Messrs. James and George Thomson, ship-builders in Glasgow, and have been in their employment for the last three weeks; that a vessel has been recently launched from the ship-building yard of Messrs. James and George Thomson called the Pampero: that previous to being launched the name "Canton, London," was gilded on said ship's stern, and the day before the said ship was launched her name was changed to Pampero; that I have been many times on board of said vessel while in course of construction; that the said vessel has eight port-holes, besides one large one on each side; that the large one might serve as a gangway; that these port-holes were seen open by me, but that they were afterward closed, and still remain closed; that the port-holes have been closed up by the movable shutters, being secured on the inside by bolts, and the joints or seams closed up, and nothing is now visible of the port-holes save the hinges: that rings or eye-bolts were fitted on the deck of said ship on each side of each of the port-holes; that the object of these rings or eye-bolts appeared to be to fasten guns and serve as a means of moving them backward and forward; that seven of these rings or eye-bolts on each side were removed before the launch, and the places where they were filled up have been lined up; that the ring or eye bolts opposite one port-hole on each side of the vessel of the bows still remain; that the bulwarks of said vessel are about seven feet in height; that there are about fifteen stop-cocks and valves on the bottom of the said ship, with grating on the outside; that some of these are very close to one another; that the number of the stop-cocks and valves is more than is required for the purposes of the engines and for ordinary ship purposes, and I believe that the extra number have been fitted with a view to adapt the said ship to warlike purposes, and among others to drown the magazine in case of need; that a magazine was fitted in the after-part of the said ship, and consisted of four compartments,
[496] with a hole on the top of each large enough to *admit a man, and there is a hatch on each hole; that I was informed by a carpenter who was working on board of the said ship, and about the said compartments, that these compartments formed the magazine, and I believe that they were adapted for that purpose; that there were about one hundred and fifty lockers fitted up in said ship along the side in the fore-castle between decks; that these were all taken down, marked, and numbered, and packed away before the said vessel was launched; that sixteen mess-racks have been made for the use of the said vessel, and more are to be made, and that each of said

mess-racks contains places for dishes for eight men; that, from the number of lockers and mess-racks, thus constructed for said ship, taken in connection with other circumstances, I am of the opinion, and believe, that the said ship is not intended or built for mercantile service; that I cannot state with accuracy the measurements of said vessel, but I think her length is about two hundred feet or upward, and her water-mark about fifteen feet at the bow and sixteen feet at the stern; that I cannot state the breadth of her beam, but she is of very fine proportions, and I believe her tonnage to be about one thousand tons, builder's measurement; that the general belief among the workmen in the yard is that the said vessel is built as a vessel of war for the Confederate States of America, and since I have commenced to work in the yard of the said James and George Thomson such has been the universal reputation as to said ship among my fellow-workmen; that among us she generally went by the name of "Another Alabama," "Another 290," and such-like names.

(Signed) WM. DAYER.

Sworn before me at the custom-house in Glasgow this 10th day of November, 1863.

(Signed) FREDK. W. TREVOR,
Collector.

[Inclosure 5 in No. 37.]

Deposition of William Cook.

I, William Cook, of No. 1 Clermont street, in the city of Glasgow, and county of Lanark, make oath and say: That I am a ship-broker and commission-merchant in Glasgow; that I was present at the launch of the ship called the Pampero, on the 29th October, 1863, from the ship-yard of Messrs. James and George Thomson, ship-builders, Glasgow; that I am acquainted with Messrs. Robert Henderson and James Galbraith, ship-brokers in Glasgow, and partners of the firm of Patrick Henderson & Co., merchants in Glasgow; that the said firm of Patrick Henderson & Co. are reputed to act as agents in Glasgow of the firm of W. S. Lindsay & Co., of London; that, on the aforesaid occasion of the launch of the said ship Pampero, I saw the said Robert Henderson and a person believed by me to be James Galbraith present and apparently acting as if interested therein; that I afterward noticed in the reports which appeared in the Glasgow newspapers of the following day that the said ship Pampero had been christened by Mrs. Galbraith; that I particularly observed the said ship when being launched, and having been for many years a master in the merchant service I am able to judge of the appearance and build of said ship; that from the general appearance and build of said ship, as so seen and observed by me, I declare that she appeared to me to be a vessel intended for war, and not for mercantile service; that her appearance impressed me with the belief that she was adapted for war purposes, and not for mercantile service.

(Signed) WILLIAM COOK.

Sworn before me at the custom-house in Glasgow this 10th day of November, 1863.

(Signed) FRED'K W. TREVOR,
Collector.

[Inclosure 6 in No. 37.]

Deposition of Archibald McLellan.

I, Archibald McLellan, joiner, of No. 45 Elington street, in the city of Glasgow, and county of Lanark, make oath and say: That I have been employed in ship-building yards as a joiner for the last nine years; that I was informed about
[497] five months ago by James Henning, joiner, in the employment *of Messrs. James and George Thomson, that they were building a ram and a privateer in the yard of Messrs. James and George Thomson for the Confederate States of America; that we had been conversing about the screw-steamer Georgia, which had about that time sailed from Clyde as a privateer, and in the course of our conversation the said James Henning volunteered the above information regarding the ram and the privateer; that about three weeks ago I casually met one Kinlock, a carpenter, in the employment of the said James and George Thomson, and in the course of conversation he stated that he was engaged fitting up magazines on board of the new vessel built by the said James and George Thomson, called the Pampero, and he said he was fitting them up as water-tanks; the said Kinlock further stated that the vessel had been fitted up with mess-rooms for a large crew, and that these had

been taken down and marked with a view to be put up again; that I have frequently seen the said ship Pampero while in the course of construction, and about seven weeks ago I saw her lying in the yard of the said James and George Thomson, and I observed that there were eight port-holes pierced in the side of the said ship which was toward me, three of which port-holes were larger than the other five, and might be used as well for gangways as for the sweep of pivot-guns; that the said port-holes were then open; that since the said ship was launched I have seen her on frequent occasions, and I then observed that the port-holes above mentioned, with one or two exceptions, have been closed up, and nothing is visible of these port-holes but the hinges; that on one occasion, in the course of last week, I was on board of said ship, as she lay in the river Clyde, and I observed four eye-bolts opposite certain of the port-holes, which I saw were intended for securing guns; that on frequent occasions, besides those above referred to, I have heard from various persons in the employment of the said James and George Thomson that the said ship Pampero was being built for the Confederate States of America, and the said ship had the universal reputation among these persons of being a vessel of war or privateer for the Confederate States; that the construction of said ship is, in my opinion, in accordance with that reputation, and in the course of my experience I have not seen a vessel built for the merchant-service of similar construction as the said ship Pampero, and I believe that the said ship Pampero is built for warlike purposes, not for the merchant-service.

(Signed) ARCHIBALD McLELLAN.

Sworn before me at the custom-house in Glasgow this 10th day of November, 1863.

(Signed) FREDK. W. TREVOR,
Collector.

No. 38.

Mr. Hammond to Mr. Waddington.

FOREIGN OFFICE, *November* 16, 1863.

SIR: With reference to my letter of the 13th instant, I am directed by Earl Russell to transmit to you, to be laid before Secretary Sir G. Grey, a copy of a letter from Mr. Adams,[1] inclosing copies of further depositions and affidavits respecting the Canton, or Pampero.

The inclosures in Mr. Adams's letter being sent in original, I am to request that they may be returned to this office when done with.

I am, &c.,
(Signed) E. HAMMOND.

No. 39.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November* 16, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 14th instant, inclosing further papers respecting the Canton;
[498] and I have to state to you that I have *lost no time in forwarding copies of the same to the proper department of Her Majesty's government.

I am, &c.,
(Signed) RUSSELL.

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[1] No. 37.

No. 40.

The secretary to the admiralty to Mr. Hammond.

[Confidential.]

ADMIRALTY, *November* 16, 1863. (Received November 17.)

SIR: With reference to your letter of the 14th instant I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter, dated the 14th instant, from Captain Farquhar, of Her Majesty's ship Hogue, reporting that the screw-steamer Canton (now Pampero) is being rapidly equipped for sea in the river Clyde, and that the collector of customs at Glasgow has informed him that, should any attempt be made to remove the vessel surreptitiously, a communication will instantly be made to him.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 40.]

Captain Farquhar to the secretary to the admiralty.

HOGUE, *Greenock, November* 14, 1863.

SIR: Referring to your confidential correspondence relating to the screw-steamer Canton, (now Pampero,) lately launched from Messrs. Thomson's yard at Glasgow, I beg to acquaint you, for their lordships' further information, that this vessel is being rapidly equipped for sea, and it is probable she will be removed down the river early next week; but I have not ascertained where it is the intention of the owners to take her to in order to complete her fittings.

Nothing more is visible indicative of her ulterior employment. She certainly could easily be converted into a formidable vessel of the Alabama class, but everything which might betray her (in case such be her real character) is carefully concealed; various reports are in circulation, such as that the captain of the Florida is superintending her completion and a number of the Florida's men are ready for shipment on board her, but proof of these reports is wanting.

The collector of customs at Glasgow has informed me that he would not permit her to quit that port without fulfilling all the conditions of the merchant-shipping act; and should her agent attempt to move her surreptitiously he will inform me instantly thereof.

I have, &c.,
(Signed) A. FARQUHAR.

No. 41.

Mr. Hammond to Mr. Waddington.

[Immediate.]

FOREIGN OFFICE, *November* 17, 1863.

SIR: I am directed by Earl Russell to transmit to you herewith, to be laid before Secretary Sir George Grey, a copy of a letter from Captain Farquhar, of Her Majesty's ship Hogue, at Greenock, received from the admiralty, reporting that the screw-steamer Canton, *alias* Pampero, is being rapidly equipped in the Clyde, and may probably be moved down the river in the early part of this week.[1]

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[1] Inclosure in No. 40.

Sir George Grey is already in possession of a copy of the opinion of the law-officers, which was inclosed in my letter of the 13th instant, respecting the vessel not being allowed to depart without further inquiry.

I am, &c.,
(Signed) E. HAMMOND.

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[499] *No. 42.

Mr. Arbuthnot to Mr. Hammond.

TREASURY CHAMBERS,
November 17, 1863. (Received November 17.)

SIR: The lords commissioners of Her Majesty's treasury desire me to transmit to you, with reference to previous correspondence, the inclosed copy of a letter from the secretary to the board of customs, dated this day, with copy of a letter from the customs collector at Glasgow, relating to the vessel Canton, or Pampero, supposed to be fitting for the warlike service of the Confederate States of North America at that port; and I am to request that you will move Lord Russell to inform my lords what reply should, in his lordship's opinion, be made to this communication from the board of customs.

I am, &c.,
(Signed) G. ARBUTHNOT.

[Inclosure 1 in No. 42.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *November* 17, 1863.

SIR: With reference to Mr. Peel's letter of the 14th instant, on the subject of the vessel Canton, or Pampero, now fitting at Glasgow, and suspected of being intended for the service of the Confederate States of America, I am directed to transmit, for the information of the lords commissioners of Her Majesty's treasury, copy of a report of the collector of this revenue at Glasgow, stating that the vessel is being rapidly finished, and that she could be got ready for sea in forty-eight hours; also reporting his proceedings under their lordships' order; and I am to suggest whether, in the event of their lordships seeing fit to direct the seizure of the vessel, it would not be desirable that Captain Farquhar, of Her Majesty's ship Hogue, in the coast-guard service in the Clyde, should be instructed to make the seizure and take charge of the vessel.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 42.]

Mr. Trevor to the commissioners of customs.

CUSTOM-HOUSE, *Glasgow, November* 16, 1863.

HONORABLE SIRS: With reference to your honors' order of the 14th instant, transmitting the directions of the lords commissioners of Her Majesty's treasury, together with an extract from a letter by Earl Russell, relative to the steamer Pampero, I respectfully report that watch is being kept on this vessel, and that I have this day reported to the lord advocate of Scotland that the vessel is being rapidly finished, that her boilers and heavy machinery are on board, and that she could be got ready for sea in forty-eight hours.

I have also been in communication with Captain Farquhar, of Her Majesty's ship Hogue, now in the Clyde, and I have made arrangements with him so as to prevent the possibility of this vessel being taken to sea before the instructions of the lord advocate are received.

I have, however, no reason to believe any such attempt will be made.

Respectfully, &c.,
(Signed) FRED. W. TREVOR, *Collector.*

No. 43.

Mr. Hammond to Mr. Arbuthnot.

FOREIGN OFFICE, *November* 17, 1863.

SIR: I have laid before Earl Russell your letter of this day, inclosing a communication from the board of customs respecting the case of the Canton, *alias* Pampero, and requesting to be informed what reply his lordship would wish to be made to the board of customs.

[500] *I am to request that you will state to the lords commissioners of Her Majesty's treasury that Lord Russell is glad to perceive that the collector of customs at Glasgow has made arrangements with Captain Farquhar, of Her Majesty's ship Hogue, now in the Clyde, so as to prevent the possibility of the vessel being taken to sea before the instructions of the lord advocate are received; and, under these circumstances, Lord Russell conceives that the only directions which it is necessary to give to the board of customs are to follow implicitly the instructions which may be received from the lord advocate.

I am, &c.,
(Signed) E. HAMMOND.

No. 44.

Mr. Hammond to Mr. Waddington.

FOREIGN OFFICE, *November* 17, 1863.

SIR: With reference to my other letter of this day's date, I am directed by Earl Russell to transmit to you, to be laid before Secretary Sir George Grey, a copy of a letter which his lordship has received from the board of treasury respecting the Canton, *alias* the Pampero, together with a copy of the letter which has been addressed to that department in reply.[1]

I am, &c.,
(Signed) E. HAMMOND.

No. 45.

Mr. Waddington to Mr. Hammond.

[Private.]

WHITEHALL, *November* 17, 1863. (Received November 17.)

Mr. Waddington presents his compliments to Mr. Hammond, and, with reference to his note of this date, begs to inclose a letter which has this day been received from the lord advocate, respecting the Canton, which Mr. Waddington requests may be returned to the home office.

[Inclosure in No. 45.]

The lord advocate to Mr. Waddington.

EDINBURGH, *November* 16, 1863.

SIR: I have the honor to acknowledge the receipt of your communication of the 14th

[1] Nos. 42 and 43.

current, with its inclosures, which, having been from home yesterday, I have only now received.

I have taken steps to insure that the vessel in question shall not leave the Clyde until further inquiry is made. But after perusing the papers which have been transmitted to me from the foreign office, I think it very material, before resolving upon the course to be followed, that I should be informed of the result of the inquiries which it is proposed to address to Mr. Pembroke, of Austin Friars, as the tenor of his reply will materially affect the question as to how far there is or is not a *prima-facie* case for procedure against the vessel. I have, therefore, to request that I may be informed, at as early a period as possible, of the result of these inquiries.

I have, &c.,
(Signed) J. MONCRIEFF.

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[501] *No. 46.

Mr. Arbuthnot to Mr. Hammond.

[Immediate.]

TREASURY CHAMBERS,
November 18, 1863. (Received November 19.)

SIR: With reference to previous correspondence, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copies of a letter and accompanying documents, which their lordships have this day received from the board of customs, relating to the vessel Canton, or Pampero, which is supposed to be fitting at Glasgow for the warlike service of the Confederate States of America.

I am, &c.,
(Signed) G. ARBUTHNOT.

[Inclosure 1 in No. 46.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *November* 18, 1863.

SIR: With reference to my letter of yesterday's date and previous correspondence upon the subject of the vessel Canton, or Pampero, now fitting at Glasgow and suspected of being intended for the service of the Confederate States of America, I am directed to transmit, for the information of the lords commissioners of Her Majesty's treasury, copy of a report of the collector of this revenue at Glasgow, detailing his further proceedings under their lordships' order of the 4th instant, together with copy of the memorandum therein referred to, which has been handed to him by the United States consul, and of the reply thereto given by the collector; and I am to add that the board have apprised the collector that they approve of his reply to the demand of the consul.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 46.]

Mr. Trevor to the commissioners of customs.

CUSTOM-HOUSE, *Glasgow*, *November* 17, 1863.

HONORABLE SIRS: With reference to your honors' orders and to my report of yesterday on the subject of the steamer Pampero, I have further to report that, late yesterday afternoon, I had interview with the Crown agent at the chambers of the sheriff, Sir Archibald Alison, Bart. The Crown agent, with whom I have also been in communication to-day, is sent here by the lord advocate for inquiry. As yet, I am given to understand no ground is obtained to justify the seizure of this vessel under the foreign-

enlistment act; but in the event of there being any attempt made to remove the vessel from this harbor, I am to detain her, pending the directions of the lord advocate, (under section 19 or 102 of the registry act,) as circumstances may justify, and, should I require assistance in doing so, I am to obtain it from the police force.

The Crown agent will also arrange with the telegraph company to have a clerk in attendance all night during the present week, in order that a message may be sent to the collector at Greenock should the circumstance occur, which is not apprehended, of the vessel escaping our vigilance, so that she may be stopped by Her Majesty's ship Hogue, the captain of which is prepared to act if necessary.

Under the arrangements made, I do not think it possible this vessel can leave the Clyde before the lord advocate's directions are received.

I have also to report that the consul for the United States has called upon me to-day to inquire if I would summon certain parties, known to him, to be examined by me, who were unwilling otherwise to come forward with their evidence. I acquainted him that I was not authorized to take such steps, when he requested me to receive the inclosed memorandum, to which I have made the reply copied thereon.

Respectfully, &c.,
(Signed) FRED'K TREVOR, *Collector.*

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[502] *[Inclosure 3 in No. 46.]

Memorandum.

NOVEMBER 17, 1863.

On this day, W. S. Underwood, consul of the United States at Glasgow, called on the collector of customs at his office in Glasgow, and in substance stated that he was advised there were several persons in Glasgow who possessed important information calculated to inculpate the ship Pampero, a vessel of war recently launched, and now being in the Clyde, but intended to sail thence to carry on war in behalf of the so-called Confederate States of America, against the United States, with which Her Majesty's government is at peace. That these persons were unwilling to give voluntary affidavits of the facts and information so known to and possessed by them, and he desired to know if said collector would issue subpœnas or summonses for those persons, saying he would give me their names if I would issue such summons, and did give me the name of one of said persons not now inserted because not deemed material to illustrate the question, which said question of the right and power of said collector to issue the summons as desired is reserved by him for consideration and action.

(Signed) W. S. UNDERWOOD,
United States Consul.

[Inclosure 4 in No. 46.]

Mr. Trevor to Mr. Underwood.

CUSTOM-HOUSE, *Glasgow, November* 17, 1863.

DEAR SIR: With reference to the memorandum left with me by you this morning, I beg to acquaint you that I have no power to summon and enforce the attendance of any person before me to give evidence respecting the fittings of the steamer Pampero.

This subject has been referred to the lord advocate of Scotland, who has sent the Crown agent to this city for inquiry. If, therefore, you will apply to the procurator-fiscal (Mr. Hart or Mr. Grinnial) at the county buildings in Wilson street, I have no doubt arrangements will be made to give you an interview with the Crown agent, and every proper step taken to obtain the information of the parties you refer to.

I am, &c.,
(Signed) FRED. W. TREVOR, *Collector.*

No. 47.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *November* 20, 1863. (Received November 20.)

SIR: I am directed by Secretary Sir George Grey to transmit to you a letter and its inclosures received this day from the lord advocate,

in which he reports the present state of matters in regard to the vessel named the Pampero, otherwise the Canton, now in the Clyde, and also a copy of a letter which has been addressed to the lord advocate in reply, containing Sir George Grey's instructions on the subject; and I am to request that you will submit the same to Earl Russell for his lordship's information.

As the lord advocate's letter and its inclosures are sent in original, in order to save time, you will be so good as to return them to me.

I am, &c.,
(Signed) H. WADDINGTON.

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[503] *[Inclosure 1 in No. 47.]

The lord advocate to Sir G. Grey.

EDINBURGH, *November* 19, 1863.

MY DEAR SIR GEORGE: I send you a separate dispatch about the vessel in the Clyde.

I own I do not see how we are to reach her, and yet she is so suspicious a craft that I am loath to let her go. The fact seems to be that she has been built expressly to avoid the act, but I fear she has done so successfully. It will be impossible to detain her indefinitely without either seizing her or obtaining an interdict, and I do not think we have sufficient grounds for an interdict; but if government think it right to go on, I am quite ready to take steps at once to stop the vessel and try the question.

It would save important time if you would let me know by telegraph whether I may make the proposed inquiries of Mr. Pembroke and his agents.

Ever yours, &c.,
(Signed) J. MONCRIEFF.

[Inclosure 2 in No. 47.]

Mr. Murray to the lord advocate.

CROWN OFFICE, *Edinburgh, November* 18, 1863.

MY LORD: In obedience to your lordship's instructions I proceeded to Glasgow and Greenock, and, in the course of yesterday and the day before, put myself in communication with Sheriff Alison, the procurator-fiscal; Mr. Trevor, collector of customs; and Captain Farquhar, of Her Majesty's ship Hogue.

From the information I received, as well as from personal inspection, I believe the Canton, or Pampero, as the vessel is now called, may be ready for sailing in a few days, although a longer time—probably a month, as her builders state—will be required for her full and final completion.

In the mean time, however, arrangements have been made which render it impossible, in my opinion, for any attempt to remove her being successful.

The collector of customs undertakes to have her watched night and day, and immediate notice is to be given him if any attempt of this kind takes place. Upon receiving such notice he is prepared to detain her under the provisions of the 19th and 102d clauses of the merchant-shipping act, (1854,) until, on the one hand, she is entitled to a clearance by obtaining a certificate of registry; or, on the other, a declaration of nationality has been made. The superintendent of police in Glasgow has been instructed, and is prepared to give the collector of customs all necessary assistance, if required.

As soon as her owners take steps toward obtaining a certificate of registry or toward making a declaration of nationality, notice will be sent to your lordship, and after the receipt of such notice there may probably be sufficient time to interdict the departure of the vessel under the provisions of the foreign-enlistment act or otherwise.

In case, however, she should succeed so far in evading the vigilance of the collector of customs, or, through the compliance of her owners with the provisions of the merchant-shipping act, she should be entitled to a clearance, and thus to leave her berth at the Broomielaw, this fact is to be immediately notified by telegraph to the collector of customs of Glasgow and to Captain Farquhar, of Her Majesty's ship Hogue. For that purpose arrangements have been made with the Magnetic Telegraph Company to have a clerk in constant attendance at their offices in Glasgow and Greenock for the next week, and, if necessary, for a longer period. Captain Farquhar is to have the

fires of a gun-boat banked night and day, so that she may get up stream at a moment's notice, and an armed boat's crew from the Hogue is to be in constant readiness. Upon receiving such notification, (on the vessel being seen,) he is to seize and detain her until further orders. Another gun-boat is to be stationed some miles lower down the Clyde, at Gourock Bay, to which, if occasion requires it, signal will be made as an additional precaution if she escapes past Greenock.

For the next night the Greenock custom-house boat will also keep a special watch.

With these arrangements Captain Farquhar and the collector of customs assure me she cannot escape them; they are also of such a nature, and will be so carried out, as not to attract public attention.

Should it be thought necessary, Captain Farquhar is ready to send a gun-boat to Glasgow to be laid alongside the Pampero; but I thought it desirable at present
[504] to *avoid this step. All the officials concerned are alive to the propriety of accomplishing the object in view with the least possible interference on their part.

I was unable to see Messrs. Thomson, and I also failed in seeing any of the partners of Messrs. Patrick, Henderson & Co., the agents for the owner, Mr. Pembroke; but this is of less consequence from the fact that the collector of customs has received assurances from both of these houses that they will not attempt to remove the vessel without giving him previous notice.

I may add that, from the appearance of the vessel, it is plain she is not intended for purposes of merchandise. She is constructed to accommodate with comfort a very large crew, and her cabin accommodation is not unlike that of an ordinary vessel of war.

I refer your lordship to the accompanying recognitions of Robert Mitchell and George Julius Mahé, which show the result of the inquiries by the procurator-fiscal, as far as they have gone, in regard to the suspected presence in Glasgow of Captain Maffit, of the Florida, in connection with this vessel.

I have, &c.,
(Signed) AND. MURRAY, Jr.

[Inclosure 3 in No. 47.]

Mr. Trevor to Mr. Murray.

Custom-House, *Glasgow, November* 18, 1863.

Dear Sir: As arranged with you, I called at the magnetic telegraph office, and saw the superintendent. He consented to let clerks sit up at a charge of 2*s.* 6*d.* an hour for each. I arranged for last night, or rather this morning, from 3 to 6 a. m., at Glasgow, and from 3 to 7 a. m., at Greenock, when the ordinary clerks would come on duty.

I learn, however, the Pampero has water down the river at all states of the tide, so that the continuance of this arrangement will incur an expense of £1 10*s.* a night, viz: nine hours at Greenock and three hours at Glasgow.

I therefore think it safer to prevent her having the opportunity of leaving the quay, and I will get the Clyde police to prevent her being moved without my directions, on the ground of her not being duly cleared. They can do this by not allowing a tug to take her in tow, and she cannot move of her own power, except after twenty-four hours to take in coals, none of which she has on board. I should be glad to hear your approval of this.

I hear a rumor to-day that the crew are engaged to be on board on Tuesday next. They are not shipped at the shipping-office here.

Yours, &c.,
(Signed) FRED'K TREVOR.

[Inclosure 4 in No. 47.]

Deposition of Robert Mitchell.

Glasgow, *November* 16, 1863.

Robert Mitchell says: I am an emigration agent in Robertson street, Glasgow, and I reside there. I am a native of Patrick. I went two voyages to sea, first as cook on board the Kangaroo steamer, plying betwixt Liverpool and New York, and the second as purser in the ship Underwriter, betwixt Liverpool and New York, and I left her about two years ago. Since then I have been acting as a merchant shipping-master and agent, and at present my office is No. 10 Robertson street, Glasgow. I don't know Captain Maffitt, of the Florida privateer.

About a month ago a man named John Murray was introduced to me at a masonic lodge, the Clyde Lodge, as it is termed, by Robert McKendrick, the master of the lodge,

an outfitter at the Broomielaw. His master introduced Murray to me, saying, "There is one of your New York Masons." Murray called at my office next day, and I saw him almost daily after that for nearly three weeks, during which he was lodging in Mrs. Lister's boarding-house, at the Broomielaw. Murray told me that he had been employed on board the Florida, and wished advice from me as to how he should recover his pay, amounting to $200 and upward. I told him he would have to go to Liverpool, and to enable him to recover his claim, I gave him a letter to Thomas Lynch, No. 34 Porter street, for whom I was acting as agent here.

[505] *Murray went to Liverpool, and returned and reported to me that he had got his money, but whether this was through Lynch, or how, I am not aware. In course of conversation Murray told me that the Florida had been commanded by Captian Maffitt, and that he had seen Captain Maffitt in St. George's Square, Glasgow, and that on that occasion they had recognized each other, though they did not speak, as Captain Maffitt was engaged at the time. Murray described the Captain Maffitt to me as a young man, and rather lower in stature than myself, (I am 5 feet 6 inches height,) middling stout, and dressed with a blue Yankee overcoat, reaching down past the knees, with a velvet collar, and was wearing a glazed cap with a large scoop in front, and as having large black whiskers and mustache, and his hair, which was of the same color, inclined to curl; and Murray mentioned that he had been drinking very hard. I tried very hard to find out from Murray whether Captain Maffitt was here to look after the steamship formerly named the Canton, and now the Pampero, but he would not say anything about that. On Friday last, the 13th current, I saw a man passing along the breast or quay, a little east from the custom-house, and he answered so completely to the description Murray had given me of Captain Maffitt, that I immediately concluded in my own mind that he was Maffitt; I went up to him and addressed him as Captain Maffitt, and shook hands with him. He did not deny that was his name, and he asked how I knew him. I told him I thought I had seen him in Virginia, but he told me I was wrong. When I accosted him I handed him my address card and said to him, are not you Captain Maffitt of the Florida, and after we had talked together for a time, he said, I am not Captain Maffitt, but a son of his. I tried to find out from him what he was here for, or what he was going to do, and he answered that he did not know, and he said he would keep my card and call upon me, but he has not done so yet. I saw Murray on a day in the beginning of last week in the shop of Allan, a tailor and outfitter in Broomielaw, 194, I think, making some purchases, and he then told me he was employed on board the Will-of-the-Wisp steamer, lying Greenock tail of the bank. I was at Greenock on Friday last, the 13th instant, and she was then at the tail of the Bank, and I believe that Murray was then on board of her, but I did not see him that day, and I have not seen him since the day I saw him in Allan's shop. I did not see the vessel Canton, or Pampero, till after she was launched, but since that I have seen her frequently when she was lying close at the quay at Finnieston, and I had occasion to observe that she was pierced for eighteen guns, nine on each side, and that the port-holes have recently been closed up, but evidently only in a temporary way, by means of keys or wedges which can be easily misplaced, and the port-holes restored, and I also observed that her funnel is telescopic, so that it may be lowered or raised at pleasure.

I do not know Captain Maffitt personally, and it was only from Murray's description of him that I believe I saw him on Friday last. I am aware that Captain Maffitt is known to George Julius Mahé, who belongs to New Orleans, and who was lately in the confederate service, and who was captured at Bunker's Bay on 2d December, 1861. He was kept a prisoner from that time till he was released from Fort Lafayette, on the 29th January, 1862, and who is a nephew of the Honorable McCurvan, late Secretary of War for the United States. Mahé was to-day tried at the Gorbals police court for the theft of a watch, &c., and, being convicted, had sentence of imprisonment for thirty days. I have seen Mahé on many occasions, and he told me that he knew well Captain Maffitt of the Florida, and had seen him in Glasgow, and had met him in the Queen's Hotel there, though particularly when he did so he did not mention to me. Murray told me that several of the crew of the Florida were waiting in a boarding-house in the Broomielaw, near to Washington street, and four or five doors to the east of Washington street, for the purpose of going with some vessel from the Clyde, but whether the Canton or which vessel I could not learn.

All which is truth.

(Signed) ROBT. MITCHELL.

[Inclosure 5 in No. 47.]

Mr. Hart to Mr. Murray.

GLASGOW, *November* 17, 1863.

SIR: Referring to the declarations of Robert Mitchell, which I handed to you last

night, I have seen George Julius Mahé and examined him, and I now transmit his statement, from which it will be seen that he declines giving any information.

I may mention that, before his statement was taken, he mentioned to me verbally that some six or seven days ago he, Mahé, had seen Captain Maffitt at the [506] Queen's Hotel, *here, along with other two captains, named John J. Grey and Hoffman; but when I began to question him as to the occasion of seeing them, and other particulars, he stopped short, and said he would say nothing more about them.

Acting, however, on the hint he had given, I have inquired at the Queen's Hotel, and I find that, in the course of the last two months, a good many Americans, apparently ship-captains, have been coming and going there, but their names are not known; and, in particular, it appears that no captain had been staying there under the name of Maffitt or Major Prusset.

The porter of that hotel remembers two gentlemen, who called themselves St. Clair and North, calling once or twice on one or more of the captains who were staying at the hotel, but he cannot remember the name of the person whom they asked for.

I have to-day been in communication with Mr. Underwood, the American consul, and he has promised to add some information to-morrow as to St. Clair and North, in connection with the vessel in question, and showing that they are confederate agents. As soon as I receive the promised information I shall investigate and report forthwith.

I am, &c.,

(Signed) WM. HART, *Procurator-Fiscal.*

[Inclosure 6 in No. 47.]

Deposition of George Julius Mahé.

GLASGOW, *November* 17, 1863.

George Julius Mahé says: I am at present a prisoner in the prison of Glasgow, having yesterday been convicted of theft before the Gorbals police-court, and adjudged to be imprisoned thirty days from that date.

I am a native of St. James parish, Louisiana, in the United States of America. In January, 1861, I became acquainted with Captain Maffitt, who subsequently was captain of the Florida steamer, in the confederate service. I was introduced to him at the time above mentioned at Nassau, by a cotton-trader, at New Orleans, but I do not remember his name. Captain Maffitt was at the time along with the several other ship-captains, and one of these was the captain of the ship Bulldog, then lying at Nassau. I was for some time in the confederate service. I was a captain in the army, and I resigned my commission in November, 1861. I came to Glasgow on the 2d of the present month. As I feel an interest in the confederate cause, I am unwilling to say anything that might prove injurious to the confederate cause, and in particular I will mention no connection or communication that I may have had with the confederate captains or agents, and I will not mention whether or not I saw Captain Maffitt in Glasgow, and I may add that I do not believe he is in Glasgow at the present moment.

(Signed) GEO. J. MAHÉ.

[Inclosure 7 in No. 47.]

Mr. Waddington to the lord advocate.

WHITEHALL, *November* 20, 1863.

MY LORD: I am directed by Secretary Sir George Grey to acknowledge the receipt of your lordship's letter of the 19th instant (marked confidential) and its inclosures, reporting the present state of matters in regard to the vessel named the Pampero, (otherwise the Canton,) now in the Clyde.

Sir George Grey has already authorized your lordship, by telegraphic message, to communicate with Mr. Pembroke and his agents, according to your discretion.

If after this communication has taken place your lordship should still find yourself, as stated in your letter, "without any evidence that the vessel is intended for the confederate service," Sir George Grey would not feel justified in directing you to take further proceedings by application for an interdict or otherwise, with the utmost certainty of failure. If, however, your lordship should consider yourself able to make upon that essential point a *prima facie* case, he has no hesitation in saying that the circumstances connected with the peculiar construction of the vessel are sufficient to warrant a proceeding under the seventh section of the act, with a view to the settle-

ment by authority of the law upon the subject. In that case your lordship will
[507] use your discretion as to *making a seizure before your application for an interdict, should the attempted departure of the vessel make such a step necessary.

I have, &c.,
(Signed) H. WADDINGTON.

No. 48.

Mr. Hammond to Mr. Waddington.

[Immediate.]

FOREIGN OFFICE, *November* 21, 1863.

SIR: I am directed by Earl Russell to request that you will state to Sir George Grey that his lordship concurs in the letter addressed to the lord advocate on the 20th instant, respecting the measures to be adopted toward the Canton, or Pampero, of which a copy is inclosed in your letter of that day's date.

The other papers inclosed in your letter in original are returned herewith, and I am to request that Lord Russell may hereafter be furnished with copies of them for the use of this office.

I am, &c.,
(Signed) E. HAMMOND.

No. 49.

Mr. Hamilton to Mr. Hammond.

[Immediate.]

TREASURY CHAMBERS,
November 21, 1863. (Received November 21.)

SIR: With reference to previous correspondence on the subject of the vessel Canton, or Pampero, fitting at Glasgow, as has been suspected, for the warlike service of the Confederate States of North America, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copy of a letter which their lordships have this day received from the board of customs, with copy of its inclosure, further relating to this vessel.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 49.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *November* 21, 1863.

SIR: With reference to the orders of the lords commissioners of Her Majesty's treasury, dated the 18th instant, and to the previous correspondence which has taken place relative to the steamer Canton, or Pampero, now fitting at Glasgow, and supposed to be intended for the service of the Confederate States of America, I am desired to transmit to you, for the information of their lordships, the accompanying copy of a further report on the subject, dated the 20th instant, which the board have received from their collector at Glasgow.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 49.]

Mr. Trevor to the commissioners of customs.

CUSTOM-HOUSE, *Glasgow, November* 20, 1863.

HONORABLE SIRS: With reference to my previous communications on the subject of the steamer Pampero, I have further to report that Mr. James Galbraith, partner in the firm of Messrs. Patrick, Henderson & Co., called upon me this morning, and renewed the promises he had previously made, that the vessel should not be removed from the quay without my sanction, and that he would not even engage a crew without informing me.

[508] *In course of conversation he said the vessel belonged to five or six individuals, including himself and the firm of Pembroke, in Austin Friars, and that he had just returned from London, where he had met the owners, and that he had stated to them the promise he had made to me, and had obtained from them full authority over the vessel; and he intimated she was still for sale, and would not be ready for sea for three or four weeks. I have personally communicated the particulars of this conversation to the Crown agent, who is now here.

I have also to report that the arrangements at first made not being thought quite satisfactory to make it impossible the vessel could escape, I endeavored to obtain the aid of the Clyde police, to prevent the vessel leaving the quay during the night, without having obtained any clearance; and, finding them unwilling to act, I caused on Wednesday night a double watch to be kept on the vessel, with directions to put an officer on board any tug that may come to the Pampero, and to accompany her.

Yesterday I proceeded to Greenock to communicate with Captain Farquhar, royal navy, of the Hogue, and after full consideration we concurred in opinion that the only safe step to be relied on was to dispatch one of his gun-boats to Glasgow, to lie in the river below the quay at which the Pampero remains. I accordingly submitted this opinion by letter to the Crown agent, for the consideration of the lord advocate. The Crown agent having signified the approval of the lord advocate, I have to-day telegraphed to Captain Farquhar accordingly, and I have no doubt the gun-boat will arrive this evening.

Respectfully,
(Signed) FRED'K TREVOR, *Collector.*

No. 50.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *November* 24, 1863. (Received November 25.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter dated the 22d instant, from Captain Farquhar, of Her Majesty's ship Hogue, at Greenock, stating that he had sent the gun-boat Goldfinch to Glasgow, (where she is now moored in the vicinity of the suspected vessel the Pampero, *alias* Canton,) in order to frustrate any attempt to carry the Pampero to sea at night. The orders given to the officer in command of the gun-boat by Captain Farquhar are, that he is to take no steps whatever unless called upon to do so by the custom-house authorities, or in case of the Pampero endeavoring to get away surreptitiously.

I am, &c.,
(Signed) C. S. KENNEDY,
(Pro Secretary.)

[Inclosure in No. 50.]

Captain Farquhar to the secretary to the admiralty.

HOGUE, *Greenock, November* 22, 1863.

SIR: Referring to confidential correspondence, I beg to inform you that, fearing lest a daring attempt might be made to carry the Pampero, *alias* Canton, to sea at night, and

there being a possibility of such an attempt proving successful, I deemed it necessary to send the gun-boat Goldfinch, steam-tender, to Glasgow, (where she is now moored in the vicinity of the suspected vessel,) in order to frustrate such an attempt, if made. The lord advocate concurs in the expediency of this step.

My orders to the officer in command of the gun-boat are, to take no active steps whatever unless called upon to do so by the custom-house authorities, or in case of the Pampero endeavoring to get away surreptitiously.

I yesterday sent you a telegram in cipher, informing you that I had dispatched the gun-boat to Glasgow.

I have, &c.,
(Signed) A. FARQUHAR.

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[509] *No. 51.

Mr. Leslie to Mr. Hammond.

NOVEMBER 25, 1863. (Received November 26.)

DEAR MR. HAMMOND: Sir George Grey desires me to send you the inclosed extract of a letter from the lord advocate, *in re* the Canton.

Believe me, &c.,
(Signed) GEORGE WALDEGRAVE LESLIE.

[Inclosure in No. 51.]

The lord advocate to Sir G. Grey.

[Private and Confidential.]

[Extract.]

EDINBURGH, *November* 24, 1863.

As to Canton, it still stands in a perplexing position. I find that the ship-agents, or rather one of their partners, Mr. Galbraith, has avowed himself to be a part-owner. I have directed him to be examined, and delayed asking Mr. Pembroke the question until I hear the result. The vessel cannot move, as there is a gun-boat alongside. I thought it better to make this certain. We shall have to try the matter at some disadvantage; but I expect to prove, with reasonable certainty, that she was built with a view to the confederate service.

No. 52.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *December* 3, 1863. (Received December 3.)

SIR: I am directed by Secretary Sir George Grey to transmit to you herewith copies of two letters from the lord advocate, and of their inclosures, relative to his proceedings in the matter of the Pampero; and I am to request that you will submit the same to Earl Russell, and state to his lordship that Sir George Grey has informed the lord advocate that he approves of his having resolved to delay the seizure of the Pampero until a decision has been given in the case of the Alexandra.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure 1 in No. 52.]

The lord advocate to Sir G. Grey.

EDINBURGH, *December* 2, 1863.

MY DEAR SIR GEORGE: On further consideration of the documents I received yesterday from Glasgow, I have resolved to delay the seizure of the vessel in the mean time, and to send you full copies of the inclosures in Mr. Galbraith's letter, which I now do.

On the face of them these letters contain the fullest disclosure of all that is necessary to bring the case within the rule applicable to that of the Alexandra, whatever that rule may be. Indeed, more is avowed in the documents than I should have expected, seeing that when these letters were written, and after, according to these letters, the contract was at an end, Captain Sinclair was in Glascow, and in daily communication with the owners as well as builders. This is clearly proved by the inquiries I have made. It would have been quite easy to have broken off the contract, without according so distinctly the original objects which the parties contemplated.

Still, I have no reason to doubt in the main the truth of these documents, or the fact that for the present at least the confederate agent has relinquished the vessel, and that the owners are ready to treat for her sale in the market. It is to-day reported that she is sold to the Prussian government. Having clear proof that she was constructed for belligerent purposes, on a contract with the confederate agent, I do not think that in law a subsequent sale would defeat the Crown's right to seize and condemn.

[510] But if such a *sale were made *bona fide*, and the government were satisfied of that, it might be a question whether as the object of preventing her use by a belligerent had been attained, it was necessary to raise the question of law.

On the whole matter, I am inclined to await the decision in the Alexandra case, the vessel being still under the inspection of the gun-boat which was stationed close to her some time ago. If judgment goes for the Crown, it would materially alter the position of the case, and the difficulties which surround it. If, on the other hand, the judgment on the construction of the statute is against the Crown, it may be considered whether the public interests will not be sufficiently considered by an arrangement which prevents the vessel passing into belligerent hands.

I have obtained a large amount of evidence of one kind or another, tending to show the confederate character of the vessel; but the inclosed correspondence supersedes it, and leaves, in short, nothing to be ascertained but the law.

The position is so entirely novel that I thought it better to allow time for hearing your views upon it.

Believe me, &c.,
(Signed) J. MONCRIEFF.

[Inclosure 2 in No. 52.]

The lord advocate to Sir G. Grey.

EDINBURGH, *December* 1, 1863.

MY DEAR SIR GEORGE: I send you inclosed a (copy) letter which at last puts us in possession of the important facts connected with the building of the Pampero. I had directed the procurator-fiscal to examine Mr. Galbraith, but for some days he avoided being examined, and was in fact taking legal advice. At last, on the 25th, the procurator-fiscal received from him a letter, of which inclosure No. 1 is a copy.

I directed the procurator-fiscal to inquire, in reply, by whom the vessel was ordered, when the persons named obtained their interest in her, and requested a copy of any documents relative to the transaction. This letter he answered on the 30th, in a letter of which No. 2 is a copy, and you will see that it leaves no doubt whatever as to the original destination or character of the vessel, which, indeed, there is no attempt to conceal. They seem to have been advised to take their stand on the legality of the proceeding.

It does not appear to me that the alleged cancellation of the contract in any degree avoids the application of the provisions of the foreign-enlistment act if they include the original transaction, and so I should at once have given orders to seize the vessel, but that the judgment of the Alexandra case is to be given on Monday. My inclination is to proceed notwithstanding, but if you think we should wait, a telegram sent me to-morrow before 6 in the afternoon will be in time.

I remain, &c.,
(Signed) J. MONCRIEFF.

[Inclosure 3 in No. 52.]

Mr. Galbraith to Mr. Hart.

GLASGOW, *November* 25, 1863.

SIR: Understanding that the lord advocate has directed you to obtain information as to the owners and the destination of the screw-steamer Pampero, built by Messrs. James and George Thomson, and now lying at the Broomielaw, I have to state—

1. That the owners are Messrs. Smith, Fleming & Co., of London; Mr. Robert Simpson, of London; Mr. Edgar O. Stringer, of London; Mr. Alexander Collie, of Manchester; Mr. Q. D. Findlay, of Glasgow; Mr. Peter Denny, of Dumbarton; and myself; and,

2. That the owners are in course of considering whether to sail the vessel themselves or to sell her. If they sail her themselves, they will employ her solely as a mercantile ship. If they sell her, they will do so in the most public manner.

I give you this information as the ship-builders of the owners, and I give it in writing instead of verbally, in order to insure greater precision and accuracy.

I am, &c.,
(Signed) JAS. GALBRAITH.

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[511] *[Inclosure 4 in No. 52.]

Mr. Galbraith to Mr. Hart.

GLASGOW, *November* 30, 1863.

SIR: I am now enabled to answer your letter to me of the 27th instant, but, in doing so, I must guard myself against the supposition that I recognize the right of the lord advocate to require the information asked, or any information, in a matter about which, as far as I am aware, his lordship has not taken any definite action.

Waiving, however, this point for the present, I think it due to myself, and to the other owners of the Pampero, to state explicitly that we have nothing to conceal, and that I shall, therefore, on their behalf and on my own, furnish you with all the information regarding the vessel of which I am possessed.

The original contract for her construction was embodied in missive letters dated 10th and 17th October, 1862, which passed between Messrs. James and George Thomson, of Glasgow, and Mr. Edward Pembroke, of London. A copy of these missive letters is herewith, (No. 1.) The terms of the missives were afterward embodied in a formal deed between the same parties. The deed is dated 12th and 22d November, 1862, and the original is sent herewith, (No. 2), as it would take some time to copy.

Mr. Pembroke entered into the contract with the view to selling the vessel at a profit to Mr. G. T. Sinclair, then in London, who represented himself as a subject of the so-called Confederate States of America. Accordingly, the same day that Mr. Pembroke accepted the Messrs. Thomson's offer, viz, 17th October, 1862, he agreed to sell the vessel to Mr. Sinclair; a copy of the agreement to that effect between Mr. Pembroke and Mr. Sinclair is herewith, (No. 3.)

Mr. Pembroke acted in the transaction, not for himself, but for the parties referred to in my letter to you of the 25th current, to whom he accordingly made a transfer of his interest in the contract with Messrs. Thomson, and in the agreement with Mr. Sinclair. A copy of this transfer, which is also dated 17th October, 1862, is sent herewith, (No. 4.)

The construction of the vessel was proceeded with by Messrs. Thomson, under the superintendence of Mr. Sinclair, as the party really interested in her, but when she was near completion Mr. Sinclair proposed to cancel the contract. The proposition was contained in a letter addressed by him to Mr. Pembroke, of date 24th September last, and after some correspondence as to terms, the contract was canceled on the 21st October last. A copy of the whole correspondence between the parties relating to the cancelment is sent herewith, (No. 5.)

I am ready to show you the originals of Nos. 1, 2, 3, and 5. The copies of these documents you can retain. The original No. 4 you will be so good as return me as soon as convenient.

The documents sent furnish you with all the information requested in your letter of the 27th current. I, of course, rely on that information being treated as confidentially as if it were a recognition taken by the Crown in an avowed criminal proceeding.

I have only to add, in reference to the second paragraph of my letter to you of the 25th current, that if the British government is desirous to purchase or charter the vessels the owners will be ready, I believe, to treat with them.

I am, &c.,
(Signed) JAS. GALBRAITH.

[Inclosure 5 in No. 52.]

Mr. Sinclair to Mr. Pembroke.

LONDON, *September* 24, 1863.

MY DEAR SIR: When I made a contract with you in November last for the building of a steamship I was under the full impression, having taken legal advice, that there was nothing in the law of England that would prevent a British subject from building such a vessel for any foreign subject as a commercial transaction; although the recent decision of the court of exchequer, in the case of the Alexandra, would seem to sustain the opinion, yet the evident determination of your government to yield to the pressure of the United States minister and prevent the sailing of any vessel that may be suspected of being the property of a citizen of the Confederate States is made so manifest, that I have concluded it will be better for me to endeavor to close the contract referred to, and go where I can have more liberal action.

[512] *In these circumstances I desire to put an end to our transaction, by your returning me the cotton certificates, which I delivered to account of price, and my cancelling the contract.

The increased value of shipping since the date of our transaction will, I have no doubt, enable you to meet at once my wishes in this respect. I shall feel much obliged by an early reply.

(Signed) G. T. SINCLAIR.

[Inclosure 6 in No. 52.]

Mr. Pembroke to Mr. Sinclair.

LONDON, *September* 29, 1863.

DEAR SIR: I duly received your favor of the 24th instant on the subject of my contract with you of date October, 1862, for the construction of a steamship.

I am sorry that you should adopt the view you have done toward our government, and which I believe to be erroneous. I have seen the parties connected with this vessel, and laid before them your proposal for cancelling the contract with me; they are desirous that said contract should be carried out, but if you do not see your way to such I am authorized to cancel it, relieving you from further payment, by retaining the vessel and the cotton certificates already delivered to account of price.

Your proposition is entirely out of the question.

I am, &c.,

(Signed) EDWARD PEMBROKE.

[Inclosure 7 in No. 52.]

Mr. Sinclair to Mr. Pembroke.

32 INDIA STREET, GLASGOW,
October 2, 1863.

MY DEAR SIR: I must confess that your letter of the 29th ultimo utterly astonishes me. I have found in all my dealings with English merchants—dealings covering large sums—an amount of fairness that has deeply impressed me, and therefore I was the more astonished at the contents of your letter. I have laid it before my friends, and will now say to you, in perfect candor, that I am under orders to quit England. The unconcealed hostility of your government in many of its acts toward my country, and the recently publicly-expressed opinion of Earl Russell that he was prepared to go beyond and behind the law in order to meet the bullying demands of the Yankees, can leave no doubt on a candid mind that he will not permit the unarmed vessel, for which I contracted with you, to leave England, for fear she might find arms in some other part of the world and offend the Yankees.

Under these circumstances, I have no alternative left me but to make a sacrifice of a portion to save the rest, and therefore I appeal to the sense of fair dealing and honor which has ever characterized the English merchant, as represented by yourself and friends, to consider the fact that no fault of mine compels me to cancel this contract, but the fault of your government, and make me a more liberal offer than that contained in your letter of the 29th September.

(Signed) GEORGE T. SINCLAIR.

[Inclosure 8 in No. 52.

Mr. Pembroke to Mr. Sinclair.

LONDON, E. C., *October* 10, 1863.

DEAR SIR: I duly received your favor of the 2d instant, in respect to which I have consulted the parties interested in the steamer, and they instruct me to intimate to you their regret that they cannot deviate from the decision come to (as intimated by me to you 29th ultimo) in regard to your wish to cancel the contract for said steamer.

Though you naturally look upon the certificates as equal to money for their nominal value, the holders must view them very differently; and, taking the present market value of these securities, they certainly do not think that they have in them [513] more than the *needful margin to provide for risk of loss in disposing of a vessel which, though suitable in other respects for mercantile purposes, is very much more expensive in construction than is required for such. I am, therefore, requested to intimate to you that the only conditions upon which the contract can be canceled are stated in my communication to you of 29th ultimo.

(Signed) EDWARD PEMBROKE.

[Inclosure 9 in No. 52.]

Mr. Sinclair to Mr. Pembroke.

32 INDIA STREET, GLASGOW,
October 14, 1863.

DEAR SIR: I have your letter of the 10th instant before me. I have given this letter my most mature consideration, and I must say that I am much disappointed at the character of its contents. Having been plain and candid with you in informing you that I was acting under positive instructions to close my accounts and transactions in this country in consequence of the hostility of the government, and thus plainly showing that it is no fault of mine that prevents my carrying out my contract with you for an unarmed ship, I did hope for more liberal action on the part of yourself and friends.

I agree with you fully in your statement that the ship has been more expensively constructed than an ordinary ship for commercial purposes would have been, but you must yourself admit that all this adds greatly to the durability of the ship, and cannot consequently be considered to injure her present value, but, on the contrary, adds to it.

As to the value of the cotton bonds, that is a point which time will decide. Their present nominal value is no doubt depreciated, but their surroundings as to value were considered when they were issued, and then, as now, their value was prospective.

May I not conclude this letter with a hope that you will reconsider what I must regard as your ungenerous terms, all the circumstances of the case being considered?

Your early reply will oblige,

(Signed) GEO. T. SINCLAIR.

[Inclosure 10 in No. 52.]

Mr. Sinclair to Mr. Pembroke.

32 INDIA STREET, GLASGOW,
October 19, 1863.

MY DEAR SIR: As I have not heard from you in reply to my last letter, I assume you are not prepared to make the concession in respect to my cancelling the contract with you for the steamer. If such is the case, however hard upon me, I must submit, as I desire to make no farther sacrifice on the part of those for whom I act. You will be pleased, therefore, to advise me by return mail (if no concession is to be made) that you agree to cancel the contract on the conditions you have stated, and that you have no further claims upon me in respect to it.

(Signed) GEO. T. SINCLAIR.

[Inclosure 11 in No. 52.]

Mr. Pembroke to Mr. Sinclair.

8 AUSTIN FRIARS, LONDON, E. C.,
October 21, 1863.

MY DEAR SIR: I am in receipt of your favor of yesterday. I did not consider it necessary to communicate further with the parties interested, because their decision had been given me as an ultimatum.

I now address you to say that, in accordance with your wish, the contract between us for the steamer is now canceled, in terms of my letter of 29th ultimo.

I will be prepared to give you a more formal document in respect to said cancelment if you should consider such necessary.

(Signed) EDWARD PEMBROKE.

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[514] *[Inclosure 12 in No. 52.]

Memorandum of agreement between Edward Pembroke, esq., of 8 Austin Friars, London, and G. T. Sinclair, esq., presently residing in London, October 17, 1862.

1st. The said Edward Pembroke agrees to sell, and the said G. T. Sinclair agrees to buy, a screw-steamer, conform to specification docquetted herewith, to be constructed for the said Edward Pembroke by Messrs. James and George Thomson, at Glasgow, engineers and ship-builders, which steamer the builders undertake to have completed within eight and one-half months from date of contract.

2ndly. The purchase-price of said steamer shall be £51,250, (say fifty-one thousand two hundred and fifty pounds sterling,) and the said Edward Pembroke agrees to receive in payment of said amount 246 (say two hundred and forty-six) cotton certificates, each of which shall be held as of the value of £208 6*s.* 8*d.*, (say two hundred and eight pounds, six shillings, and eight pence sterling.)

3dly. That the said cotton certificates shall be delivered to the said Edward Pembroke by the said G. T. Sinclair, in the five following installments during progress of construction of said steamer, viz:

	£.	*s.*	*d.*	
50 certificates	10,416	13	4	when the agreement is signed.
49 certificates	10,208	6	8	when vessel is half in frame, remainder of frames turned, and cylinders cast.
49 certificates	10,208	6	8	when fully framed, planking half on, and cylinder loosed.
49 certificates	10,208	6	8	when launched, and machinery ready to go on board.
49 certificates	10,208	6	8	when delivered after trial-trip.
246 certificates	£51,250	0	0	

4thly. The said Edward Pembroke agrees to take from the said G. T. Sinclair, within ten days from this day, the additional number of eighteen cotton certificates, and to pay him for the same at the rate of £208 6*s.* 8*d.*, (say two hundred and eight pounds, six shillings, and eight pence sterling,) say £3,750 in all.

5thly. That at any time during the construction of said steamer, the said Edward Pembroke may require from the said G. T. Sinclair, and who shall, if so required, deliver any number or the whole remaining portion of unissued cotton certificates, in anticipation of the installments provided for, in which case the said Edward Pembroke shall allow the said G. T. Sinclair interest at the rate of 5 per cent. per annum on said issue in anticipation, calculating said interest from the date of issue, until dates of installments being due.

6thly. That on due performance of this agreement, and completion of the steamer as per specification, said steamer shall be delivered to the said G. T. Sinclair, or his representatives at the port of Glasgow.

(Signed) EDW. PEMBROKE.
GEO. T. SINCLAIR.

Witnesses:
(Signed)
GEORGE GLADSTONE.
O. MOLIER.

[Inclosure 13 in No. 52.]

Messrs. J. and C. Thomson to Mr. Pembroke.

CLYDE BANK FOUNDERY, GLASGOW,
October 10, 1862.

DEAR SIR: We offer to construct for you a first-class screw-steamer, in accordance with accompanying specifications, also with model prepared by us, for the sum of £46,600, payable in five equal installments, viz: First, when the contract is signed. Secondly, when vessel is half in frame, remainder of frames turned, and cylinders cast. Thirdly, when fully framed, planking half on, and cylinders bored. Fourthly, when launched and machinery ready to be put on board. And, fifthly, when delivered after trial-trip. This offer open for your acceptance till 20th instant.

(Signed) JAMES AND GEORGE THOMSON.

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[515] *[Inclosure 14 in No. 52.]

Mr. Pembroke to Messrs. J. and G. Thomson.

LONDON, *October* 17, 1862.

GENTLEMEN: I accept your offer dated the 10th instant, for the construction of a screw-steamer in accordance with specification accompanying said offer.

I am, &c.,

(Signed) EDW. PEMBROKE.

[Inclosure 15 in No. 52.]

Memorandum of transfer.

LONDON, *October* 17, 1862.

I hereby transfer to Messrs. Finlay, Campbell & Co.[1] of London; Smith, Fleming & Co., London; Robert Simpson, London; Edgar P. Stringer, London; Alexander Collie, of Manchester, for self and friends; F. D. Finlay, of Glasgow; James Galbraith, for self and friends; Peter Denny, of Dumbarton, jointly associated, all my interest in a contract between me and Messrs. James & George Thomson, of Glasgow, for the construction of a screw-steamer, and all my interest in an agreement between me and G. T. Sinclair, esq., for the purchase of said steamer from me, and the purchase by me from said G. T. Sinclair of eighteen cotton certificates, all as described in said agreement. The above-named Finlay, Campbell & Co.; Smith, Fleming & Co; Robert Simpson; Edgar P. Stringer; Alexander Collie; F. D. Finlay; James Galbraith; and Peter Denny, to receive all the benefits and to reassume all the responsibilities which may arise from said contract and agreement.

(Signed) EDW. PEMBROKE.

Witness:

(Signed) GEORGE ELASTER.

No. 53.

Mr. Hammond to Mr. Waddington.

FOREIGN OFFICE, *December* 4, 1863.

SIR: I have laid before Lord Russell your letter of the 3d instant, inclosing copies of letters from the lord advocate of Scotland, respecting the case of the Pampero, and stating that Sir George Grey has informed the lord advocate that he approves of his having resolved to delay the seizure of the Pampero until a decision has been given in the case of the Alexandra; and I am directed by his lordship to request that you will

[1] Messrs. Findlay & Co. recently transferred their interest to Mr. Stringer.

state to Secretary Sir George Grey that Lord Russell hopes that the board of admiralty will be pressed by the home department not to omit any precaution to prevent the Pampero escaping from the Clyde, while the court of exchequer is deliberating upon the judgment which it may pronounce in the case of the Alexandra.

The proof which has been afforded in the case of the Victor, at Sheerness, that the confederate agents will not hesitate, if they have reason to apprehend that the attention of the government is directed to their proceedings, to carry off a vessel in an unfinished state, renders it, in Lord Russell's opinion, indispensable that the utmost vigilance should be employed in the case of the Pampero.

The lord advocate appears to have been at one time of opinion that the Pampero ought to have been seized without waiting for the decision in the case of the Alexandra.

I am, &c.,
(Signed) E. HAMMOND.

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[516] *No. 54.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, December 5, 1863. (Received December 5—3 p. m.)

MY LORD: I have the honor to transmit copies of several depositions furnished to me by Mr. Underwood, the consul of the United States at Glasgow, all relating to the outfit of the vessel called the Canton, or the Pampero, at that port.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 54.]

Deposition of John McGibbon.

I, John McGibbon, a riveter, residing at 63 King's street, Tradeston, Glasgow, in the county of Lanark, make oath and say: I have been eight months in the employment Messrs. James & George Thomson, but was not all that time employed on the Pampero. I left the employment three days before she was launched. She was named the Canton, which name was in gilt letters on each side of her bow. It was the general opinion that name would be changed, and that chiefly for the reason that a ship's name is almost always carved or cut in, while the name Canton was only put on by temporary gilt letters. I saw that there were eight port-holes in the ship, besides two larger ones (one on each side,) both when they were open and when they were closed. I also saw that ring-bolts or gun-fasts were put on, (similar to those of the Black Prince, on which I wrought when she was being constructed,) and I knew that they were afterward removed. Nothing is now visible of the port-holes except the hinges of the shutters, which have been put on. The use of the eye-bolts or gun-fasts is to fasten guns and move them backward and forward. The height of the ship's bulwarks was about seven feet. The number of stop-cocks and valves (there were six or seven on each side, with grating on the outside) is greater than is usually the case in other vessels. Some of these amidships are close to one another. I cannot say for what purpose there are so many, but there are more than would be necessary for engine and other purposes. They could be made useful in drowning the magazine if that were wished. Underneath the boiler-seat and engine-set the vessel is plated, and there is a tier of plating above the engine, making her much stronger than any other vessel having a wooden bottom. I know of a magazine having been fitted in the after-part of the ship with a hatch-hole capable of admitting a man. I observed there were at least 150 lockers fitted up in said ship along the side, in the forecastle, between decks. There are four or five water-tanks

between decks, between where the bunkers should be placed. I was not employed working on board the ship for some time before I left, but I was on board every day, at the meal-hours, seeing what was doing. It was believed by myself and by all my fellow-workmen that the ship was fitted up as a vessel of war, intended for the government of the Confederate States of America; at least, it was so reported. The ship has no accommodation for such stowage as would be required by a vessel in the merchant service. The hatches were similarly constructed to those of other vessels, but smaller, and with regard to her rudder it was composed of brass plates and brass rivets, which is seldom the case with an ordinary vessel; and the propeller is of solid brass, which is also very unusual. These are generally made of cast-iron. All this is truth, as I shall answer to God.

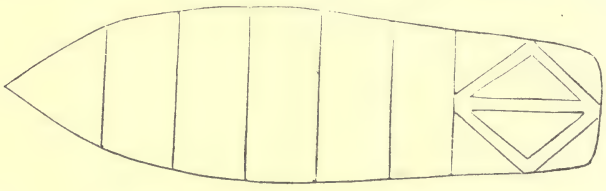
J. McGIBBON.

Sworn before the collector at Glasgow, December 21, 1863.

[Inclosure 2 in No. 54.]

Deposition of James Ross.

I, James Ross, clerk to Mr. Henry Miller, 13 Virginia street, Glasgow, and residing at 136 West Graham street, Glasgow, in the county of Lanark, make oath and say: That on this 23d day of November, 1863, I visited the yard of Danach & Espie, boat-builders and carpenters, Ardgowor street, Glasgow, and there saw two new life-
[517] boats, *and two new long or jolly-boats, which are just completed; that these boats are presently being painted, which is the last thing to be done to them; that I was informed by James Urquehart, the foreman boat-builder, and also by Duncan McDiarmid, a wright who was employed on them, that they were ordered by Messrs. James & George Thomson, and are intended for the ship Pampero, recently built by them; that each of said boats has six cross-beams, and provision is made for eight oars; that they are about 20 feet in length, and about eight feet in breadth of beam; that the said Duncan McDiarmid informed me that said boats are very strongly constructed, and that there is extra work at the stern of each of them, which is unusual in other long or jolly-boats; that between the stern itself and the aft cross-beams there is a transverse piece of wood (black birch) 11 inches deep and 4½ inches thick, and there are besides four diagonal pieces to strengthen the former and keep it in its place, thus:



The said transverse beam and diagonals are made movable so they can be taken out and replaced at leisure. That in the center of said beam is a hole which he stated was for a swivel, for the purpose of a gun being there placed and wrought. That McDiarmid stated that lately they were hurried to get said boats in readiness, but that now they were not so pushed for them. All which is truth, as I shall answer to God.

(Signed) JAMES ROSS.

Sworn before the collector of customs, Glasgow, November 23, 1863.

[Inclosure 3 in No. 54.]

Deposition of John McQueen Barr.

I, John McQueen Barr, clerk to Henry Miller, of No. 13 Virginia street, Glasgow, and residing at No. 80 New City Road there, make oath and say: That I know by sight a person calling himself Captain Sinclair, and another called Captain Tennant, and have been informed that both are from the Confederate States of America and connected with the government of those States; that I am aware that both, as well as a Captain North, resided for some time at the Bridge of Allan and also in Glasgow; that

I know their lodgings in Glasgow to be in India street; that on the second day of this present month of November I saw Tennant and Sinclair in company together at the Bridge of Allan; that I have been shown a photograph containing a group of four males and three females; that one of the four represents Sinclair, and another is Tennant. It was from this that I first identified Sinclair in person, and he was afterward pointed out to me as one of a number of American strangers who had been located there during the autumn months, and I was then informed he was named Sinclair. I had seen him at Bridge of Allan previously, though I did not know anything of him then; that on the 31st day of October last I examined, in Sterling, the file of the Bridge of Allan Reporter, and selected the following from the list of visitors:

April 5, 1863.—Captain and Mrs. North, Miss North, Captain Sinclair, Confederate States of America, at Mrs. Lanark's, Belmair House.

May 8, 1863.—Captain, Mrs., and Miss North, Charleston, Virginia; Captain Sinclair, at Belmair House.

July 5, 1863.—Captain, Mrs., and Miss North, Confederate States, at Belmair House.

March 29, 1863.—Mr. and Messrs. Tennant, at J. Miller's Weelwood House. And I obtained the following information as to the several lodgings they had occupied: 1st, Mrs. Pattison's, Fountain Road; 2d, Mrs. Smart's, Belmair House; 3d, Miss McDonald's, Prospect Villa; 4th, Mrs. Smart's again; 5th, J. Miller's, Wellwood House; 6th, Mrs. Young's, Anpeld Road—all Bridge of Allan.

[518] *That since the 9th day of the present month I have seen Sinclair several times in Glasgow.

All of which is truth, as I shall answer to God.

(Signed) JOHN M. BARR.

Sworn before the collector of customs, Glasgow, November 23, 1863.

[Inclosure 4 in No. 54.]

Depositions of William McCambridge and William Carrick.

I, William McCambridge, shipwright, of the town of Govan and county of Lanark, make oath and say: That on the day the vessel called and known as the Pampero arrived at the public crane on the Broomielaw, in Glasgow, about four weeks ago, for the purpose of receiving her machinery, having some curiosity to see her fittings, &c., from the reports I had heard concerning her, I went on board of her, and went over nearly the whole of her, making such examination of her as I was able. From this examination, and from my experience as a shipwright, I state that many of her fittings were and are quite different from and unlike what are usual and customary on merchant-vessels, whether screw or paddle-wheeled. The vessel Pampero is a screw-steamer, having been built in the ship-yard of J. & G. Thomson, near Glascow; but having been employed for two years as a shipwright in vessels of war of Her Majesty's dock-yard at Portmouth, I saw at once that many of her fittings were evidently those of a vessel of war. The engines and boilers of the Pampero, 8 feet 3 inches in height, have been placed and are under the water line, as is usual, for obvious reasons, in vessels of war, but very unusual in merchant-vessels. At each end of the engine-room there is, on the Pampero, a donkey-engine fitted that I have never observed on merchant-vessels but common on vessels of war. The deck-beams of the Pampero are placed much closer together than on any merchant-steamer I have ever seen, there being one rivited to every frame, and only 18 inches from center to center. The decks, of red pine, are also unusually thick, being 4½ inches, and evidently calculated and intended to carry a heavy weight on deck. The Pampero is provided with a double steering-wheel, placed about six or eight feet under the upper deck, and on the upper-deck there is another similar steering-wheel. There were two yokes or tillers connected with these wheels under deck, with the necessary blocks and leads for tiller-ropes, as in war vessels. At the interval of about four days after this first examination, I again went on board the Pampero, and found that the lower steering-wheel had been removed, but that the tiles and fittings remained. The cabins on the upper or gun-deck of the Pampero are all hinged for removal as a vessel of war, to enable the deck to be cleared for action fore and aft. Her deck-ports, or port-holes, of which there are eight on a side, are raised 16 or 18 inches above the main-deck, showing they are not intended to carry off water or the sweepings of the ship. The hinges of the cabins and the raised positions of the ports are appropriate to war-vessels, but unusual and inappropriate to merchant-vessels; and I give it as my opinion, judgment, and belief, as a shipwright, having worked at the trade for thirteen years, in merchant and war vessels, that the Pampero is built and intended as a vessel of war, and to be used for war purposes, and

not as a merchant-vessel. She has been so held and reputed to be in the yard of Messrs. Thomson, where she was built, and where I worked on her previous to the 15th of February last, by all hands, and to be intended for the Confederate States of America, being called and known in the yard as the Second Alabama, Second 290, and such like names; and I have frequently seen two persons pointed out to me as Captains North and Sinclair, giving directions and apparently superintending the work and operations in the Pampero as though they were interested therein; and I recognize and identify the two persons in the photograph shown to me of a family group, under which is written the names of North, Sinclair, and others, here referred to. I further state that the Pampero has telescope funnels, which is very unusual in merchant-vessels, but very common in vessels of war. I have worked in J. & G. Thomson's yard about five years previous to about the 15th of February last; since then in A. & J. Angle's, and have been intimate with Thomson's yard and hands up to this time.

(Signed) WILLIAM McCAMBRIDGE.

Sworn before the collector at Glasgow, November 28, 1863.

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[519] *I, William Carrick, shipwright, residing at No. 4 Ferrol street, Ralimbaugh, near Glasgow, and county of Lanark, make oath and say: That I have heard the statement and affidavit of William McCambridge fully and distinctly read; and I was present with and accompanied the said William McCambridge on both occasions and visits to the Pampero, which he in his said affidavit and statement refers to and describes; and I fully and understandingly concur and agree with each and all of the said descriptions and specifications of and concerning the vessel Pampero, and that the said Pampero is different from a merchant-vessel, and like to a war-vessel in the parts and points he has designated and specified. I also unite and concur with him in the opinion that the said vessel Pampero was and is built and designed for war purposes, or a vessel of war, and not for a merchant vessel. I further state that I concur with him as to the general reputation of the Pampero as a war-vessel, intended and built for the Confederate States of America, as also in regard to Captains North and Sinclair, the confederate agents, superintending the building of said vessel. I therefore adopt said affidavit as my own, for the purpose of avoiding repetition, except so far as it relates to himself as a shipwright. I have never worked in any of Her Majesty's shipyards, but have worked at the trade of shipwright for fifteen years last past. I worked in Thomson's yard three years, and am well acquanted with his hands.

(Signed) WILLIAM CARRICK.

Sworn before the collector of Glasgow, November 28, 1863.

No. 55.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *December* 5, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, inclosing copies of several depositions furnished to you by Mr. Underwood, the consul of the United States at Glasgow, relative to the outfit of the vessel called the Canton, or the Pampero, at that port; and I have the honor to state to you that these papers shall be considered by Her Majesty's government.

I am, &c.,

(Signed) RUSSELL.

No. 56.

Mr. Hammond to Mr. Waddington.

[Immediate.]

FOREIGN OFFICE, *December* 5, 1863.

SIR: With reference to my letter of yesterday's date, I am directed by Earl Russell to transmit to you, to be laid before Sir G. Grey, with

a view to their being at once communicated to the lord advocate, the accompanying copies, received from Mr. Adams, of depositions furnished to him by the United States consul at Glasgow, relating to the outfit of the screw-steamer Pampero.

I am, &c.,
(Signed) E. HAMMOND.

No. 57.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *December* 5, 1863. (Received December 5.)

SIR: I have laid before Secretary Sir George Grey your letter of the 4th instant, respecting the Pampero; and I am to acquaint you for the information of Earl Russell, that Sir George Grey has this day addressed a letter to the lord advocate, stating that it is now ascertained that the judgment in the Alexandra case, instead of being given on Monday as was expected, will not be given till next term, which has a material bearing on the course to be taken with regard to the Pampero, as it would be inexpedient to incur the long delay of waiting for that judgment, if there are, in his lordship's opinion, sufficient grounds for proceeding at once to the seizure of the vessel.

I am, &c.,
(Signed) H. WADDINGTON.

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[520] *No. 58.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *December* 10, 1863. (Received December 10.)

SIR: I am directed by Secretary Sir George Grey to acquaint you, for the information of Earl Russell, that a letter has been received from the lord advocate, stating that he yesterday transmitted instructions to Mr. Trevor, the collector of customs at Greenock, to seize the vessel Pampero, under the foreign-enlistment act.

I am, &c.,
(Signed) H. WADDINGTON.

No. 59.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
December 11, 1863. (Received December 11.)

SIR: With reference to previous correspondence in regard to the Canton, or Pampero, steam-vessel, fitting in the Clyde, and supposed to be intended for the warlike service of the Confederate States of America,

I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you the inclosed copies of a letter from the commissioners of customs, and of the accompanying report of the collector of customs at Glasgow, stating that, in pursuance of instructions from the lord advocate, he had seized this vessel; and I am to request that you will move Earl Russell to inform my lords what further instructions should be given to the board of customs in this matter.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 59.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *December* 11, 1863.

SIR: With reference to my letter of the 21st ultimo, and previous correspondence, I am now desired by the board to transmit to you, for the information and directions of the lords commissioners of Her Majesty's treasury, copy of a letter from the collector of this revenue at Glasgow, dated the 10th instant, reporting the seizure by him, in pursuance of instructions from the lord advocate, of the steamer Pampero, and requesting further instructions for his guidance.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 59.]

Mr. Trevor to the commissioners of customs.

CUSTOM-HOUSE, *Glasgow, December* 10, 1863.

HONORABLE SIRS: I respectfully report that, in pursuance of instructions from the lord advocate of Scotland, I have this day seized the steamer Pampero, for the use of Her Majesty, under the provisions of the foreign-enlistment act: and I have notified such seizure to Messrs. Patrick Henderson & Co., as agents for the owners.

I have placed two officers in charge of this vessel, and shall proceed with all dispatch to take an inventory of her furniture and tackle.

At present she is lying at the quay, with Her Majesty's gun-boat moored near her; but the harbor-master informs me he cannot provide a place for her to lie in this harbor, and that she must be taken to the basin at Bowling.

The vessel can be more safely placed in this basin than in this harbor; but it will be necessary, to remove her there, to employ a steam-tug and a pilot, with proper assistance to again moor her in the basin at Bowling; the latter can be obtained from the gun-boat, and when the vessel is duly secured no further aid will be required from the gun-boat.

[521] * I respectfully request your honor's directions hereon.

¶ I have reported my proceeding to the Crown-agent for the information of the lord advocate.

(Signed) FRED. W. TREVOR, *Collector.*

P. S.—The engines being on board and in good condition, it would be proper to employ an engineer to keep them in order.

F. W. T.

No. 60.

Mr. Hammond to the secretary to the treasury.

FOREIGN OFFICE, *December* 11, 1863.

SIR: I have laid before Earl Russell your letter of this date, inclosing copies of papers relative to the seizure of the Canton, or Pampero,

steamer, and requesting to be informed what further instructions should be given to the board of customs in the matter.

I am, in reply, to request that you will state to the lords commissioners of Her Majesty's treasury that the only recommendation that Lord Russell can give is, that the customs should be guided by the opinion of the lord advocate of Scotland; but as that officer is acting in this matter under the authority of the home office, the treasury had better communicate with that department with regard to any further steps.

Lord Russell would further observe that, under existing circumstances, the seizure should be maintained until the questions bearing on it are settled in due course of law, and that no overture for the purchase of the vessel should be entertained.

I am, &c.,
(Signed) E. HAMMOND.

No. 61.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *December* 12, 1863. (Received December 12.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Captain Farquhar, of the Hogue, reporting the seizure of the Pampero; and I am to acquaint you that Captain Farquhar has been directed to carry into effect any measures he may be requested, by the proper authorities, to take for the security of the Pampero.

I am, &c.,
(Signed) C. PAGET.

[Inclosure in No. 61.]

Captain Farquhar to the secretary to the admiralty.

HOGUE, *Greenock, December* 11, 1863.

SIR: Referring to your confidential letter, I beg to inform you that I yesterday received intimation from the collector of customs at Glasgow that he had seized the screw-steamer Pampero, formerly Canton, in compliance with directions from the lord advocate, and to this effect I telegraphed to you in cipher last evening.

The custom-house officers are at present in charge of the Pampero; but it is probable that, on her removal to Bowling Harbor, where it is intended to place her, I may be asked to send a guard of marines on board.

I have, &c.,
(Signed) A. FARQUHAR.

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[522] * No. 62.

Mr. Bruce to Mr. Hammond.

[Immediate.]

WHITEHALL, *December* 17, 1863. (Received December 17.)

SIR: I am directed by Secretary Sir George Grey to transmit to you, for the information of Earl Russell, with reference to Mr. Waddington's letter of the 10th instant, copies of a letter from the Crown-agent for

Scotland, and of its inclosures, relative to the recent seizure of the steamer Pampero in the Clyde.

I am, &c.,
(Signed) H. A. BRUCE.

[Inclosure 1 in No. 62.]

Mr. Murray to Mr. Waddington.

CROWN OFFICE, *Edinburgh, December* 16, 1863.

SIR: I am directed by the lord advocate to transmit to you, for the information of Secretary Sir George Grey, copy of a letter dated 14th current, addressed by Mr. Patrick Henderson & Co., of Glasgow, to the collector of customs at Glasgow, in regard to the recent seizure of the steamer Pampero, presently lying in the Clyde. A copy of the letter from the collector of customs to Messrs. Patrick Henderson & Co. is also inclosed.

I have, &c.,
(Signed) AND. MURRAY, *Crown-Agent.*

[Inclosure 2 in No. 62.]

Mr. Trevor to Messrs. Henderson & Co.

CUSTOM-HOUSE, *Glasgow, December* 10, 1863.

GENTLEMEN: I hereby notify to you, as agents for the steamer Pampero, and for the information of the parties claiming to be owners, that, in pursuance of directions of the lord advocate of Scotland, I have to-day seized that vessel for the use of Her Majesty, under the provisions of the foreign-enlistment act, 59 Geo. III, cap. 69, sec. 7, &c.

I am, &c.,
(Signed) FRED. W. TREVOR, *Collector.*

[Inclosure 3 in No. 62.]

Messrs. Henderson & Co. to Mr. Trevor.

GLASGOW, *December* 14, 1863.

SIR: On behalf of the steamer Pampero, I have to acknowledge the receipt of your notification, dated the 10th current, and to state, in answer, that your seizure of that vessel is not authorized by the statute to which you refer; that the owners deny the right of the lord advocate to give you the directions under which you profess to act; that they also deny your right to act upon these instructions; and that they hold his lordship and you, and all concerned, liable in the heavy damages caused, and to be caused, by your illegal proceedings.

We are, &c.,
(Signed) A. HENDERSON & CO.

No. 63.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
December 28, 1863. (Received December 28.)

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, with reference to previous correspondence, the inclosed copy of a letter
[523] from the board of customs, with copy of a report from their * collector at Glasgow, respecting the preservation of the vessel Pam-

pero, under seizure by Her Majesty's government, together with copy of their lordships' reply thereto.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 63.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *December* 22, 1863.

SIR: With reference to your letter dated the 12th instant, and to the previous correspondence which has taken place on the subject of the steamer Pampero, fitting in the Clyde, as has been suspected, for the warlike service of the Confederate States of America, I am desired to transmit to you, for the information of the lords commissioners of Her Majesty's treasury, the accompanying copy of a further report which the board have received from their collector at Glasgow on the subject, dated the 19th instant, and to signify the request of the board to be favored with their lordships' authority for payment of the expense incurred for the preservation of the vessel.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 63.]

Mr. Trevor to the commissioners of customs.

CUSTOM-HOUSE, *Glasgow, December* 19, 1863.

HONORABLE SIRS: With reference to my letter of the 10th instant, reporting the seizure by me of the vessel Pampero, and to your honors' order of the 12th instant, directing me to be guided in my proceedings by the opinion of the lord advocate of Scotland, I respectfully report that, it having been found that the skylights to the cabin were not tight, and admitted rain; that there were no stoves or means of heating the cabins; that the rain came down the funnel, and that the engines required to be constantly kept in order, I have ordered the necessary tarpaulins for the skylights and funnel, with two stoves for the cabins, and that I have obtained from Captain Farquhar, of Her Majesty's ship Hogue, the assistance of the engineer of the gun-boat to look after the engines.

Having reported my proceedings to the Crown-agent, for the information of the lord advocate, I am acquainted the lord advocate approves of the steps taken for the preservation of the vessel, but that at the same time it is desirable to obtain the board's sanction for what I have done, or propose doing.

I have further to report that I have, in pursuance of instructions of the Crown-agent, furnished that law-officer with an appraisement of the seizure of the vessel, under the act 19 and 20 Vict., cap. 56, sec. 11, the value of which is estimated at £32,000.

Respectfully,
(Signed) FRED. W. TREVOR,
Collector.

[Inclosure 3 in No. 63.]

Mr. Peel to the commissioners of customs.

TREASURY CHAMBERS, *December* 28, 1863.

GENTLEMEN: In reply to Mr. Gardner's letter of the 22d instant, I am commanded by the lords commissioners of Her Majesty's treasury to acquaint you that they approve of the steps taken by your officer at Glasgow for the preservation from injury of the vessel Pampero, under seizure by Her Majesty's government; and I am to authorize you to defray the expenses incurred for that purpose.

I am, &c.,
(Signed) F. PEEL.

[524] *No. 64.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, December 28, 1863. (Received December 28.)

MY LORD: From such information as is believed by me to be entitled to credit, although it is not at present in my power to submit the evidence directly to your lordship, I feel it my duty to apprise you of the fact that a number of persons, not less than thirty, have lately arrived from the United States, with the intention to embark in the steamer Pampero, now at Glasgow, on a hostile expedition against the United States. Of these persons, some eleven or twelve, including one, Dr. Vallandigham, from the State of Delaware, are now in Liverpool, and the others are either in London or Glasgow. Captain Sinclair, who has been here for more than a year, is designated to take the command. He has left Glasgow, from fear of inquiry, and is now living elsewhere under an assumed name. A person by the name of Colin McKensey, of Baltimore, but now residing in London, furnishes the payments to the men, and is mentioned as the paymaster for the vessel.

I am further informed that these are a most daring and reckless set of men, who at one moment contemplated the project of seizing the Pampero, and running her out of the port of Glasgow, either by force or fraud. This scheme is, however, for the present abandoned, especially as hopes have been inspired by Lieutenant Maury, who has lately visited those remaining at Liverpool, that the object will be accomplished in a similar way.

The desperate nature of the class of persons to which these men belong in the United States is so well known to me, that I shall not be surprised to find them at any moment attempting some scheme to seize a vessel that promises success, even though it be in defiance of the law as well as of the power of this kingdom. For these reasons I have taken the liberty to submit the private information I have obtained, even though it does not appear to me authenticated in the usual manner.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

No. 65.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *December* 29, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of yesterday's date, respecting a number of persons said to be of desperate character, who are reported to have lately arrived in this country; and I have to inform you, in reply, that I have caused the information contained in your letter to be communicated to the proper departments of Her Majesty's government, with a view to such measures being taken as the law allows to defeat any such attempts as are therein alluded to.

I am, &c.,
(Signed) RUSSELL.

No. 66.

Mr. Hammond to Mr. Waddington.[1]

FOREIGN OFFICE, *December* 29, 1863.

SIR: I am directed by Earl Russell to transmit to you herewith, to be laid before Secretary Sir George Grey, and with a view to such measures being taken as the law allows, to defeat any such attempts as are alluded to, a copy of a letter from Mr. Adams respecting a number of persons said to be of desperate character who are reported to have lately arrived in this country.[2]

A copy of Mr. Adams's letter has been sent to the admiralty and treasury.

I am, &c.,
(Signed) E. HAMMOND.

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[525] *No. 67.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *December* 31, 1863. (Received December 31.)

SIR: I am commanded by my lords commissioners of the admiralty to state, for the information of Earl Russell, that copies of your letter of the 29th instant, and of its inclosure from Mr. Adams, have been sent to Captain Farquhar, of Her Majesty's ship Hogue, at Greenock; and that officer has reported that he will take immediate steps to prevent the possibility of any successful attempt being made to carry the screw-steamer Pampero to sea.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 68.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *December* 31, 1863. (Received December 31.)

SIR: I am directed by Secretary Sir George Grey to acquaint you that Mr. Adams's letter of the 28th instant, relative to the Pampero, which accompanied yours of the 29th, has been communicated to the lord advocate; and I am to transmit to you, for the information of Earl Russell, the inclosed copy of a letter which has been received from the lord advocate in reply.

I am, &c.,
(Signed) H. WADDINGTON.

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[1] Similar letters were addressed to the admiralty and treasury. [2] No. 64.

[Inclosure in No. 68.]

The lord advocate to Mr. Waddington.

EDINBURGH, *December* 30, 1863.

SIR: I have the honor to acknowledge your communication of the 29th, inclosing copy of a letter from the United States minister relative to the Pampero.

I shall direct inquiry to be made into the subject; but whatever designs of the nature apprehended may have been entertained while the vessel was under no legal process for detention, I believe her seizure to have set them entirely at rest.

I have, &c.,
(Signed) J. MONCRIEFF.

No. 69.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *January* 2, 1864. (Received January 4.)

SIR: I am directed by Secretary Sir George Grey to transmit to you herewith a copy of a letter from the lord advocate, with a copy of a letter received by the Crown-agent from Mr. Galbraith, the managing owner of the vessel Pampero, now in the Clyde, which has been seized under the foreign-enlistment act; and I am to request that you will lay the same before Earl Russell, and move his lordship to favor Sir George Grey with his opinion upon the proposal to have the vessel sold.

I am, &c.,
(Signed) H. WADDINGTON.

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[526] *[Inclosure 1 in No. 69.]

The lord advocate to Mr. Waddington.

EDINBURGH, *December* 30, 1863.

SIR: I have the honor to transmit to you, for the information of Secretary Sir George Grey, the inclosed copy of a letter received by the Crown-agent from Mr. Galbraith, the managing owner of the vessel Pampero, now in the Clyde, which has been seized under the foreign-enlistment act.

In reference to that communication, it is right to expect that, after the vessel had been seized under my directions, I directed the Crown-agent to inquire whether the owner had any proposition to make in regard to the current work on the vessel, as the collector of customs wished otherwise to have her removed to Bowling Bay, further down the Clyde.

The inclosed is his reply.

I have given no reply to the proposal to have the vessel sold, as I shall wish to have the views of Sir George Grey on the subject before doing so.

A sale of the vessel to the highest bidder would simply reproduce the difficulty which led to the seizure, as she would be probably purchased by confederate agents.

But if a proposal were submitted to the government for the purchase of the vessel from a third party, of whose good faith they were satisfied, the question would arise differently. But I do not feel warranted, without the sanction of the government, to entertain such a proposal. If by such a transaction the vessel passed into the hands of a *bona-fide* purchaser, not a belligerent, or in connection with a belligerent, the government would have discharged all the obligation imposed on them in respect of their position as a neutral power; while in the event of the seizure not being ultimately sustained by the courts of law, the resulting loss would be lessened.

Everything, of course, would depend on the quarter from which the proposal to purchase might come; and probably the most prudent course to adopt will be to decline giving any opinion as to what the government might do until a specific proposition is before them.

I have, &c.,
(Signed) J. MONCRIEFF.

[Inclosure 2 in No. 69.]

Mr. Murray to Messrs. J. & G. Thomson.

CROWN-OFFICE, *Edinburgh, December* 15, 1863.

SIRS: With reference to the recent seizure of the Pampero, under the provisions of the foreign-enlistment act, I am directed by the lord advocate to inquire if you wish permission to proceed with the work toward her completion, pending the proceedings to be taken with a view to her condemnation.

I am, &c.,
(Signed) AND. MURRAY,
Crown-Agent.

[Inclosure 3 in No. 69.]

Mr. Murray to Messrs. J. & G. Thomson.

CROWN-OFFICE, *Edinburgh, December* 19, 1863.

SIRS: I wrote you on the 15th instant in the terms annexed, but have received no answer, and I have now to intimate that, unless I hear from you by Wednesday next, expressing a wish to be permitted to proceed with the completion of the Pampero, the lord advocate will give instructions for her removal from the place where she at present lies to a place where she may be less exposed to injury, and less likely to inconvenience the shipping in the harbor.

The place to which it is proposed to remove her is the basin at Bowling.

I am, &c.,
(Signed) AND. MURRAY,
Crown-Agent.

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[527] *[Inclosure 4 in No. 69.]

Mr. Galbraith to Mr. Murray.

GLASGOW, *December* 24, 1863.

SIR: My absence from home during the last eight days will explain the reason why I have not answered your letters to me of date the 15th and 19th current. After the seizure by the Crown of the Pampero, it does not appear to me that her owners should do anything with regard to her, until it is settled by the proper court whether or not that seizure was legal. I of course assume that the Crown will not unduly delay the trial of this question. If, however, there is to be much delay, it deserves consideration whether, in order to save loss and damage, the owners should not concur with the Crown in having her sold, and the proceeds consigned in bank as a surrogation for the vessel. If the advisers of the Crown approve of this suggestion, I will submit it to the owners.

I am, &c.,
(Signed) JAS. GALBRAITH.

No. 70.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
January 4, 1864. (Received January 4.)

SIR: With reference to your letter of 29th ultimo, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copy of a report, dated 2d instant, from the commissioners of customs, together with a copy of a report from a collector of customs at Glasgow, respecting the suspicion, expressed by the minister of the United States of America at this court, that an attempt would be made to seize the vessel Pampero, of which possession has been taken by Her Majesty's government.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No 70.]

The commissioners of customs to the lords commissioners of the treasury.

CUSTOM-HOUSE, *January* 2, 1864.

Your lordships having referred to us the annexed letter from Mr. Hammond, transmitting, by desire of Earl Russell, and with a view to such measures being taken as the law allows to defeat any such attempts as are alluded to, copy of a letter from Mr. Adams, the United States minister at this court, stating that he has received information that a number of persons have lately arrived from the United States, with the intention of embarking in the steamer Pampero, now under seizure at Glasgow, on a hostile expedition against the United States;

We report—

That immediately on receipt of your lordships' reference, we communicated with our collector at Glasgow upon the subject, and we beg to transmit to your lordships a copy of the report of that officer, dated the 31st ultimo, by which it appears that the steps taken for her security by the collector, in conjunction with Captain Farquhar, of Her Majesty's ship Hogue, will be sufficient to insure the safe custody of the vessel.

We beg to add that we have directed our collector at Liverpool to cause inquiry to be made with respect to the persons named in Mr. Adams's letter as being now at that port, and we will not fail to apprise your lordships of the result.

(Signed) THO. F. FREMANTLE.
W. R. GREIG.

528] * [Inclosure 2 in No. 70.]

Mr. Trevor to the commissioners of customs.

CUSTOM-HOUSE, GLASGOW, *December* 31, 1863.

HONORABLE SIRS: With reference to your honors' order of the 29th instant, conveying the information communicated by Mr. Adams to the Earl Russell relative to the steamer Pampero, I respectfully report that, on the inquiry made previous to the seizure of this vessel, it is stated that the vessel was fitted under the superintendence of a Captain Sinclair, then resident in this city, and that he was in communication with other persons alleged to be in the service of the Confederate States of America.

There is every reason to believe that, had it not been for the effective steps taken to prevent her removal, an attempt would have been made to take the vessel to sea; the measures, however, adopted, in conjunction with Captain Farquhar, of Her Majesty's ship Hogue, have frustrated any such intention, and I have every reason to believe that, with the assistance afforded me from the Hogue, the vessel will be safely secured, pending the legal proceedings for her condemnation.

The vessel still remains in this harbor waiting some necessary fittings for the steering-gear, and will be removed to the basin at Bowling as soon as it can be properly accomplished, and she will then be made snug for the winter, with the assistance from the Hogue which has been kindly promised by Captain Farquhar.

Respectfully,
(Signed) FRED. W. TREVOR.

No. 71.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
January 5, 1864. (Received January 5.)

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the accompanying copy of a letter and its inclosures which have been received from the commissioners of customs respecting the supposed arrival in Liverpool of a number of persons intending to embark on board the vessel Pampero, lately fitting in the Clyde.

I have, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 71.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *January* 4, 1864.

SIR: With reference to the report of this board, dated the 2d instant, I am directed to transmit to you, for the information of the lords commissioners of Her Majesty's treasury, the accompanying copies of reports which the board have received from their officers at Liverpool, with respect to the supposed arrival in that town of a number of persons intending to embark on board the vessel Pampero, lately fitting in the Clyde.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 71.]

Mr. Morgan to Mr. Gardner.

CUSTOMS, *Liverpool, January* 1, 1864.

SIR: Referring to the copy of the letter headed "Legation of the United States," which contains the statements that a number of persons have lately arrived in this country, with the intention of embarking on board the steamer Pampero, at Glasgow, and that some eleven or twelve of them, including a Dr. Vallandigham, are now in Liverpool, &c., I beg to report that the officers of this department, who are [529] always on the alert to *obtain and forward any information relating to intended hostile acts against the United States, had not received any previous intimation of the arrival of such persons.

Careful inquiries have been made in quarters where information upon the subject was most likely to be obtained, and the passenger-books of the steam-packet companies inspected for some months back, but no trace could be found of a Dr. Vallandigham, or of the other persons referred to, at any of the seamen's boarding-houses.

Very respectfully,
(Signed) E. MORGAN, *Surveyor.*

P. S.—I beg further to state, that I have had an interview with the consul of the United States at this port, from whom Mr. Adams, the minister, appears to have received his information on the subject to which his letter refers, but could not obtain any clew to the present abode of the persons said to be in Liverpool, from him, further than that they were all of them in private lodgings, and all under an assumed name.

E. M.

[Inclosure 3 in No. 71.]

Mr. Edwards to the commissioners of customs.

CUSTOM-HOUSE, LIVERPOOL,
January 2, 1864.

HONORABLE SIRS: Special inquiry has been made relative to the arrival in this town of a number of persons intending to embark on board the Pampero, at Glasgow, on a hostile expedition against the United States, in accordance with your order of the 30th ultimo; but it will be seen, from the aforegoing report of Mr. Morgan, surveyor, that his endeavors to obtain information on the subject have been unsuccessful.

Should, however, subsequently any additional information be obtained, it shall at once be conveyed to the board.

Respectfully,
(Signed) S. P. EDWARDS

No. 72.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *January* 6, 1864.

SIR: I am directed by Earl Russell to request that you will suggest to the lords commissioners of the admiralty the propriety of causing a

survey to be made of the steamer Pampero, which has been lately seized in the Clyde, in order to ascertain whether she would suit the purposes of Her Majesty's navy.

I am, &c.,
(Signed) E. HAMMOND.

No. 73.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 8, 1864. (Received January 9.)

SIR: With reference to your letter of the 6th instant, I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of the secretary of state for foreign affairs, that the necessary orders have been given for the survey of the steamer Pampero, lately seized in the Clyde.

I am, &c.,
(Signed) W. G. ROMAINE.

530] *No. 74.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
January 13, 1864. (Received January 13.)

SIR: With reference to previous correspondence, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copy of a letter, dated 9th instant, from the board of customs, with copy of the accompanying report from the collector of customs at Glasgow, further relating to the vessel Pampero, under seizure by Her Majesty's government.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 74.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *January* 9, 1864.

SIR: With reference to the correspondence on the subject of the vessel Pampero, lately fitting at Glasgow, I am desired to transmit to you, for the information of the lords commissioners of Her Majesty's treasury, the accompanying extract from a report of the collector of customs, at Glasgow, in regard to the said vessel, dated the 7th instant.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 74.]

Mr. Trevor to the commissioners of customs.

CUSTOM-HOUSE, GLASGOW, *January* 7, 1864.

HONORABLE SIRS: With reference to your honors' order of the 5th instant, I respectfully report that, in consequence of the steering-gear being imperfect, it has been impossible to move the vessel Pampero to Bowling, and she remains in this harbor.

It having been found that the spindle-barrel had not been fitted to the wheel, I applied to the owner to attach the same, with the view to move the vessel to Bowling; this they have assented to do, those fittings being held as their property. Since this has been completed, the state of the tide has prevented the vessel being taken into a proper berth at Bowling, but at the beginning of next week she will be ready to be moved if the weather permits. For this work I have contracted with the Glasgow and Greenock Steam Company to tow the vessel down with two tugs and to moor her safely at Bowling.

After this is done, I have arranged with Captain Farquhar, of Her Majesty's ship Hogue, that he send some of his crew to put the spars and rigging of the vessel into winter order, and, as a precautionary measure to prevent any attempt to remove her from Bowling, a portion of the steering-gear will be taken ashore.

I have further to report that, since the seizure of the vessel on the 10th ultimo, Captain Farquhar has, on my request, placed an engineer and two stokers from the Hogue to keep in order the machinery, &c.

Respectfully,
(Signed) FRED'K W. TREVOR, *Collector.*

No. 75.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *January* 18, 1864. (Received January 19.)

SIR: With reference to your letter of the 6th instant, I am commanded by my lords commissioners of the admiralty to request you will state to Earl Russell that they have had the Pampero very carefully [531] surveyed in the Clyde, and have taken the opinion of *the controller of the navy on the subject, and their lordships consider that the vessel is not suitable for Her Majesty's service.

I am, &c.,
(Signed) C. PAGET.

No. 76.

Mr. Hammond to Mr. Waddington.

FOREIGN OFFICE, *January* 23, 1864.

SIR: With reference to your letter of the 2d instant, I am directed by Earl Russell to state to you, for the information of Secretary Sir George Grey, that the board of admiralty, to whom his lordship caused a reference to be made, have informed him, in reply, that they have caused the Pampero to be very carefully surveyed in the Clyde, and they consider that that vessel is not suitable for Her Majesty's service.

I am, &c.,
(Signed) E. HAMMOND.

No. 77.

Mr. Galbraith to Mr. Bouverie, M. P.

LONDON, *Thursday Evening, March* 17, 1864.

DEAR SIR: Referring to our conversation this afternoon, I very willingly adopt your suggestion to make a written proposition in respect to the Pampero, which you will lay before Her Majesty's government.

Even had the assurance preferred by the owners of this vessel to the government before her seizure not been done with the honest purpose from which it emanated, Mr. Denny and I, acting for ourselves and co-owners, would now feel bound to make sure (should the vessel be released) that by no chance should she pass into the service of the Confederate States, since we view your action on our behalf in this matter as tantamount to a guarantee of good faith. So I am prepared to engage that the Pampero be kept under our control, in order to prevent the possibility which might arise—if sold by us even perfectly *bona fide*—of her ultimately passing into an employment antagonistic of the neutrality our government desires to maintain to belligerents.

When the Pampero was offered to the admiralty, before her seizure, for conveyance of troops to New Zealand, we had in view (as you would observe from the copy of letter on the subject with which I furnished you) the likelihood of continuous after-employment as a transport in connection with the then existing war in that colony or hostilities with Japan. Both these sources of employment, which would have formed a perfect guarantee, are, however, now removed, and at the moment it is impossible for me to indicate what mercantile employment we may find for the vessel; but I am now ready, in regard to such, to submit the following proposal to Her Majesty's government, viz: that the ship should remain in charge of the custom-house; that we should proceed to make such alterations without delay as may be by the authorities thought requisite to satisfy them that the ship can be used only in peaceful commerce, and then that we should employ her in the ordinary course of trade; and, in the mean time, that the legal proceedings which are costing the owners so large an amount should be at once stayed.

You are at liberty to make what use you deem judicious of this communication. It is made to you without the opportunity of consulting the legal adviser of the owners in Glasgow; but of course it will be held as without prejudice, should the proposal it contains not be accepted by the government.

I am, &c.,

(Signed) JAS. GALBRAITH.

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[532] * No. 78.

The lord advocate to Mr. Bouverie, M. P.

15 GREAT STUART STREET, EDINBURGH,
March 24, 1864.

MY DEAR BOUVERIE: I have carefully considered the communication you sent me on the part of the owners of the Pampero.

I shall explain the views which have occurred to me on their proposal.

In its public aspect there is nothing in the case which makes it desirable in our opinion to arrange it by compromise. On the contrary, the facts on which the proceedings depend admit of being easily established, and the legal questions involved, even were they more doubtful than they are, could not arise for decision in a more favorable form.

The only consideration which would induce me to recommend an arrangement of the case is the large pecuniary interest which it involves on the part of the defendants, by the operation of a statute which, at the time of the alleged violation of it, had not received any judicial interpretation.

I am not indisposed on this ground only to recommend the government to consider the case favorably, as far as these interests are concerned. But any arrangement to be made must proceed on a footing which will put beyond doubt the legal title of the Crown to deal with the vessel, and which will, at the same time, publicly vindicate the action of the government in the matter.

I cannot, therefore, recommend the government to adopt the proposition of the owners, as it would leave both the legal title of the Crown and the propriety of its proceedings open to question.

I should be prepared to recommend a settlement on the following footing:

The Crown to take a verdict on one of the counts in the information. The defendant may select the count on which the verdict is to proceed, and state, if they think fit, the circumstances under which they violated the statute.

No further procedure to take place on the part of the Crown, with a view to the application of the verdict, provided the rest of the arrangement is duly carried out.

The owners thereafter to execute on the vessel such alterations as the Crown may require, to make her in all respects a merchant-ship.

These alterations being completed, the Crown to permit the owners to trade with the vessel for their own behoof, they giving bond for the due employment of the vessel under such penalties as may be fixed. The amount to be arranged before this agreement is completed.

The registry of the vessel to be so effected as to prevent the owners from transferring her without the consent of the Crown. I am not prepared at this time to go into details on the mode of effecting this object.

Lastly, after such interval as may seem reasonable, and provided the above stipulations have been, in the meanwhile, faithfully carried out, the Crown to release the vessel, as far as the title acquired by the judgment is concerned, the bond still subsisting should the Crown so require. I suggest two years as the proper interval.

I hope you will be able, without delay, to give me an answer. I have thought it better at once to state the only terms upon which I can recommend a settlement. My proposal has reference entirely to the owners' pecuniary interest; and I am not prepared to recognize any other as matter fit for adjustment. The taking of the verdict is, in my opinion, essential, and without that element being conceded, I can be of no further service in promoting an arrangement.

Believe me, &c.,

(Signed) J. MONCRIEFF.

No. 79.

Earl Russell to the lord advocate.

PEMBROKE LODGE, *March* 26, 1864.

MY DEAR LORD ADVOCATE: I quiet concur in your proposed answer. I think the taking and recording a verdict for the Crown quite essential.

I remain, &c.,

(Signed) RUSSELL.

[533] *No. 80.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
September 25, 1865. (Received September 25.)

SIR: With reference to former correspondence on the subject of the ship Pampero, I am directed by the lords commissioners of Her Majesty's treasury to transmit to you the inclosed copy of a letter from the admiralty, requesting information whether it is necessary that men should still be kept in charge of that vessel; and I am desired to request that you will inform me what reply Lord Russell would wish should be made to the inquiry of the board of the admiralty.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 80.]

The secretary to the admiralty to Mr. Hamilton.

ADMIRALTY, *September* 22, 1865.

SIR: The Pampero, steam-vessel, being still under seizure in the river Clyde, I am commanded by my lords commissioners of the admiralty to request you will move the lords of Her Majesty's treasury to cause me to be informed whether it is necessary that men should still be kept in charge of her.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 81.

Mr. Hammond to the lord advocate.

FOREIGN OFFICE, *October* 12, 1864.

SIR: I am directed by Earl Russell to transmit to you a copy of a letter from the treasury, inclosing a copy of a letter from the admiralty,[1] requesting to be informed whether it is necessary that men should still be kept in charge of the Pampero steam-vessel, stated to be still under seizure in the river Clyde; and I am to request that you will inform Lord Russell whether you see any objection to giving up the Pampero to her owners or builders, whoever they may be, and that you will advise his lordship as to the course which ought to be pursued with regard to this vessel, which he was not aware was still under seizure.

I am, &c.,
(Signed) E. HAMMOND.

No. 82.

The lord advocate to Mr. Hammond.

EDINBURGH, *October* 19, 1865. (Received October 20.)

SIR: I have the honor to acknowledge your communication of the 12th of October, and have to state, for the information of Lord Russell,

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[1] No. 80.

that, on the 15th of September, the agents for the owners of the Pampero applied to me for authority to have her registered in their own names, and thereafter to take possession of her.

On the 20th September I informed Secretary Sir George Grey that it appeared to me unnecessary to detain the vessel longer, and proposed to consent to what the owners wished. In reply, Sir George Grey expressed his approval, and in consequence the collector of customs at Glasgow has been instructed to give the vessel over to the owners.

I have, &c.,
(Signed) J. MONCRIEFF.

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[534] *No. 83.

Mr. Murray to the secretary to the treasury.

FOREIGN OFFICE, *October* 23, 1865.

SIR: With reference to your letter of the 25th ultimo, I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of Her Majesty's treasury, a copy of a letter from the lord advocate,[1] from which it will be seen that the Pampero has been given over to her owners; and I am to request that you will move their lordships to communicate this information to the board of admiralty.

I am, &c.,
(Signed) JAMES MURRAY.

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[1] No. 82.

[535]

*HAWK.

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*HAWK.

No. 1.

Mr. Hamilton to Mr. Hammond.

[Immediate.]

TREASURY CHAMBERS, *April* 4, 1864. (Received April 4.)

SIR: I am desired by the lords commissioners of Her Majesty's treasury to transmit herewith, for the consideration of Earl Russell, copy of a report from the commissioners of customs, and of its inclosures, dated the 2d instant, respecting a vessel of a suspicious character built at Renfrew. HAWK.—Correspondence.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 1.]

Mr. Dickins to Mr. Hamilton.

CUSTOM-HOUSE, *April* 2, 1864.

SIR: I am desired by the board of customs to transmit to you, for the information of the lords commissioners of Her Majesty's treasury, and for such directions as they may see fit to give in the matter, the accompanying copy of a report which the board have received from their collector at Glasgow, and its inclosure, in regard to a vessel of a suspicious character built at Renfrew, together with reports of the acting surveyor-general for tonnage and the solicitor of this department thereon.

I am, &c.,
(Signed) GEO. DICKINS,
Assistant Secretary.

[inclosure 2 in No. 1.]

Mr. Trevor to the commissioners of customs.

CUSTOM-HOUSE, GLASGOW, *April* 1, 1864.

HONORABLE SIRS: There being something very unusual in the construction of this vessel, which is intended to be registered in London, I transmit herewith the certificate of survey and formula for such directions as your honors may seem fit to give. I have seen Mr. Henderson, the builder, and he informs me the vessel was laid down on speculation, and, when nearly completed, his firm sold her to Mr. William Stirling Begbie, of London. After the sale the original construction was altered, the poop on deck reduced in size, cabins between decks erected with the winged passage round the vessel, the forecastle reduced in height and strengthened, and an extra three-inched deck fitted on to the original deck, making it now a deck six inches thick. Mr. Henderson says that he cannot inform me of the destination of this vessel, or the trade in which she is to be employed.

(Signed) FREDK. TREVOR, *Collector.*

[510] *[Inclosure 3 in No. 1.]

Mr. Moore to the commissioners of customs.

HONORABLE SIRS: The winged passage above-mentioned is quite an unusual thing in ordinary merchant-steamers; and this fact, together with the extra thickness of deck in a new ship, and the unusual thickness of forecastle deck, proves clearly that the vessel is intended for some special purpose.

(Signed) M. MOORE,
Acting Surveyor-General for Tonnage.

[Inclosure 4 in No. 1.]

Mr. Costello to the registrar of shipping.

CUSTOM-HOUSE, GLASGOW, *March* 29, 1864.

SIR: In accordance with your directions, (on completing my survey,) I carefully examined the fittings and equipments of the Hawk, screw-steamer, built by Messrs. Henderson, Colburn & Co., Renfrew and Man, being finished. I found her main deck, originally laid with 3-inch plank, was being doubled—*i. e.*, a second deck laid over the first, of the same thickness, so that her main deck is now six inches thick. Her forecastle, or demi-forecastle, is of the usual extent and dimensions as those on which the anchors are generally stowed—not larger, but stronger, the deck being well supported and 4½ inches thick. She has a second deck laid for three-fourths of her length, with wing-passages extending from the after cabins to the forecastle. She has no round-house on deck for the berthing of her crew. She is fitted with geared engines, 150 horse-power nominal, and is propelled by screws. Her boilers rise high above the main deck, and her funnel is of the ordinary description. Her frame-work and plating are of the usual sizes required by Lloyd's rules. I annex a note of her dimensions and tonnage.

I am, &c.,
(Signed) M. COSTELLO, *Measuring Surveyor.*

[Inclosure 5 in No. 1.]

Report of the solicitor of customs.

APRIL 2, 1864.

There does not appear to be any evidence on the build and character of this ship of any offensive warlike preparation. The probability is, that she is intended for a blockade-runner, being strengthened for defense, but that does not constitute a ground of forfeiture. I have no knowledge of Messrs. Begbie in connection with the Confederate States of America; the inference arising from her having been surveyed for registry is, that she is intended for commercial purposes. I see no ground for interference.

(Signed) J. T. HAMEL.

No. 2.

Mr. Hamilton to Mr. Hammond.

[Immediate.]

TREASURY CHAMBERS,
April 12, 1864. (Received April 12.)

SIR: With reference to the letter of this board of the 4th instant, I am desired by the lords commissioners of Her Majesty's treasury to transmit to you herewith a copy of a letter from the commissioners of customs, dated the 9th instant, with copy of its inclosure relating to the steam-vessel Hawk, recently built at Glasgow, the construction of

which is, in some respects, of an unusual character; and I am to request to be informed what instructions Earl Russell would wish should be given respecting this vessel to the commissioners of customs.

I am, &c.,
(Signed) GEO. A. HAMILTON.

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[541] *[Inclosure 1 in No. 2.]

Mr Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *April* 9, 1864.

SIR: With reference to the letter from this department dated the 2d instant, transmitting copy of a report of the collector of this revenue at Glasgow, and of reports of the acting surveyor-general for tonnage and solicitor relative to the steamship Hawk, recently built at Glasgow, and the construction of which is in some respects of an unusual character, I am now directed to transmit, for the information of the lords commissioners of Her Majesty's treasury, copy of a further report of the collector at Glasgow, dated the 8th instant, relative to an application which has been made by the builders of the said vessel for a pass to enable her to proceed to London, but which application has been subsequently withdrawn; and I am to signify the request of the board to be favored with their lordship's directions whether a pass should be granted in the event of a further application being made for the same.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 2.]

Mr. Trevor to the commissioners of customs.

CUSTOM-HOUSE, *Glasgow, April* 8, 1864.

HONORABLE SIRS: With reference to my report of the 1st instant, I have now to report that an application having been made to me to-day by the builders to remove the vessel to London to be registered, and they having declined to make any statement as to the trade in which the vessel is to be employed, I informed them I could not sanction the vessel leaving the harbor until your honors' directions were received. They, in consequence, declined to have the application for a pass to London made in their name, and withdrew it.

(Signed) FRED'K TROVER, *Collector.*

No. 3.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
April 12, 1864. (Received April 12.)

SIR: With reference to their lordships' letter of yesterday's date, on the subject of a vessel named the Hawk, recently built at Glasgow, which appears to be of a somewhat unusual construction, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you the inclosed copy of a letter, dated this day, from the board of customs, with copy of the accompanying report from the collector of customs at Glasgow, relating to this vessel; and I am to request to be informed what instructions Earl Russell would wish to be given to the commissioners of customs in this matter.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 3.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *April* 12, 1864.

SIR: With reference to my letter of the 9th instant, upon the subject of the steamer Hawk, recently built at Glasgow, I am directed to transmit to you the annexed copy of a further report of the collector at Glasgow, dated the 11th instant, with copy of a telegram received by him from the Crown-agent at Edinburgh in respect to that vessel; and I am to signify the request of the board to be favored with the direc-
[542] tions of the lords commissioners of Her Majesty's treasury as to whether the *vessel shall be detained or otherwise, having to observe that the vessel Elvira or Ciceron, alluded to by the collector, formed the subject of the board's report to their lordships of the 5th instant.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 3.]

Mr. Trevor to the commissioners of customs.

CUSTOM-HOUSE, *Glasgow, April* 11, 1864.

HONORABLE SIRS: The inclosed telegram was received by me at my private residence on Saturday evening last at about 8 o'clock, and the United States consul having on that day called at this office to request I would detain the steamer Hawk, the subject of my reports to your honors of the 1st and 8th instants, I inferred the telegram related to that vessel, and I immediately replied to the Crown-agent by telegraphic message to the effect that the United States consul, Mr. Underwood, in his interview with me, had stated we had no definite information that the vessel was intended for the service of the Confederate States, but that he suspected such was the case; and that under such circumstances I had informed him that there was no ground at present for the detention of the vessel. I further wrote to the Crown-agent by post more fully to the same effect.

I was subsequently, between 12 and 1 o'clock on Sunday morning, waited upon by the procurator-fiscal, who had also received a message fron the Crown-agent, in consequence of which he had called upon Mr. Underwood.

The fiscal had not obtained from him more definite information, and, in fact, not so much as I was able to give him, relative to the construction of this vessel, and he concurred with me that there was no ground for interference.

This vessel is now ready for sea, and as her construction (as reported in my previous reports) is very unusual in a merchant-vessel, and she can readily be used for hostile or other illegal purposes, it is for consideration whether Mr. Begbie, who is stated to be the owner, should not be called upon to state the trade she is intended to be employed in.

It may be proper to add, the builders of this vessel are those who built and sold to a Spanish house the vessel Elvira, or Ciceron, the subject of my report of the 23d ultimo.

Respectfully, &c.,
(Signed) FRED. W. TREVOR, *Collector.*

[Inclosure 3 in No. 3.]

Mr Murray to Mr. Trevor.

[Telegraphic.]

17 WALKER STREET, *Edinburgh.*

Immediately see Mr. Underwood as to his telegram to me this afternoon. Report fully to-night, and if necessary see the sheriff. Similar message to fiscal.

No. 4.

Mr. Begbie to Earl Russell.

[Immediate.]

4 MANSION HOUSE PLACE,
London, April 13, 1864. (Received April 13.)

MY LORD: My superintendent was at Glasgow on Saturday, and was prevented from taking delivery of my steamship Hawk, in consequence of the customs there having stopped that steamer. I have captain, engineers, and crew on board, and also cargo deliverable here in London this week, and the loss and inconvenience to me is severe from the course adopted by the customs, which appears to me highly unjustifiable.

I went to the customs here on Monday, seeking an explanation and offering any information. I was requested to call back, as the [543] matter was then before the * board; I called again yesterday and saw the secretary at 11, and again at 12.30, and was then told that the whole case and papers had been transmitted to the treasury. I went there and saw Mr. Shelley, who informed me that the papers had been transmitted to the foreign office.

I beg, my lord, to be informed of the cause of the arrest of the Hawk, that I may at once clear myself of any cause of such stoppage; and I claim immediate release of my steamer, that she may be received by me from the builders and prosecute her voyage.

I have, &c.,
(Signed) THOS. STIRLING BEGBIE.

No. 5.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *April* 13, 1864.

SIR: I am directed by Earl Russell to acknowledge the receipt of your letters of the 4th and 12th instants, respecting a vessel named the Hawk, fitting out in the Clyde; and I am to request that you will inform the lords commissioners of Her Majesty's treasury that his lordship has forwarded copies of your letters to the lord advocate, with a request that he would take such steps in the matter as may seem to him to be proper.

I am, &c.,
(Signed) E. HAMMOND.

No. 6.

Mr. Hammond to the lord advocate.

FOREIGN OFFICE, *April* 13, 1864.

MY LORD: I am directed by Earl Russell to transmit to you the accompanying copies of letters from the board of treasury respecting a vessel, named the Hawk, fitting out in the Clyde;[1] and I am to request that

[1] Nos. 1, 2, and 3.

you will take such steps in the matter as may seem to you to be proper.

I am, &c.,
(Signed) E. HAMMOND.

No. 7.

Mr. Hammond to Mr. Begbie.

FOREIGN OFFICE, *April* 15, 1864.

SIR: I am directed by Earl Russell to acknowledge the receipt of your letter of the 13th instant, respecting the case of the Hawk; and I am to state to you, in reply, that the matter has been referred to the lord advocate of Scotland.

I am, &c.,
(Signed) E. HAMMOND.

No. 8.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 16, 1864. (Received April 18.)

MY LORD: I have the honor to submit to your consideration the copy of a letter addressed to me by Mr. Dudley, consul of the United States at Liverpool, touching a steam-vessel in process of construction and outfit at Renfrew, on the Clyde. My information of the nature of the work put into this vessel convinced me some time since that she was not intended for ordinary trade. Later circumstances more and more distinctly point out her destination and objects to be to carry on hostilities against the commerce of the United States. The difficulty of ob-
[544] taining direct *evidence in cases of this kind has of late increased in proportion to the apprehension felt by the parties engaged of the consequences of detection. I shall, therefore, confine myself to a representation of the case as it has been laid before me in this letter, and to solicit attention to it on the part of Her Majesty's government.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 8.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, April 13, 1864.

SIR: I have information that I regard as entirely reliable that a steam-vessel built by Hendersons, at Renfrew, on the Clyde, and now at their yard, called the Hawk, is being secretly fitted out as a privateer for the insurgents to make war against the Government of the United States. My information is that she is being fitted out under the superintendence of Captain James D. Bullock, the well-known agent in this country of the so-called southern confederacy. About three weeks ago this man Bullock went up to Glasgow and inspected this vessel. Since then they have put down another deck over the one she had when launched, strengthened her timbers, put up hammocks to

accommodate a crew of over 100 men, and erected cabins for some twelve officers. That the coal-bunkers are so arranged around the boilers as to protect them from shot or shell; in a word, that she is being fitted up for war, and not commercial purposes, and is to be armed and used by the insurgents against the Government of the United States.

She has her engines in, sails set, and will be ready for sea in a week or ten days. I have no evidence, and it may be impossible to obtain any, as they are conducting all their operations with great caution and secrecy. But of the truth of the facts, as stated, I have no doubt.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

No. 9.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 18, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, inclosing a copy of a letter from the United States consul at Liverpool, respecting the vessel called the Hawk, in process of construction and outfit at Renfrew, on the Clyde; and I have the honor to inform you that the attention of Her Majesty's government had been already directed to this vessel.

I am, &c.,
(Signed) RUSSELL.

No. 10.

Mr. Layard to Mr. Hamilton.[1]

FOREIGN OFFICE, *April* 18, 1864.

SIR: With reference to Mr. Hammond's letters of the 4th, 12th, and 13th instants, I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of Her Majesty's treasury, copies of a note and its inclosure from Mr. Adams, denouncing the steamer Hawk, in process of construction and outfit at Renfrew, as being intended for a confederate privateer;[2] and I am to request that you will move the lords commissioners of Her Majesty's treasury to take such steps in the matter as can legally and properly be adopted.

I am, &c.,
(Signed) A. H. LAYARD.

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[545] *No. 11.

The lord advocate to Mr. Layard.

1 NEW STREET, SPRING GARDENS,
April 19, 1864. (Received April 19.)

SIR: I have the honor to acknowledge your communication of the 18th instant, inclosing copies of letters from the American consul at Liver-

[1] Similar letters were addressed to the lord advocate and the home office. [2] No. 8.

pool and the American minister, relative to the vessel Hawk, now in the course of construction at Renfrew.

My attention was first called to this vessel by a telegram received by the Crown agent from Mr. Underwood, the American consul at Glasgow, received on the afternoon of Saturday, the 9th.

The telegram simply expressed Mr. Underwood's belief that the vessel was intended for hostile purposes, and that she was to sail the following day.

In consequence of this telegram, I directed the Crown agent to send the telegraphic messages which were referred to in Mr. Trevor's letter, a copy of which was sent to me by Mr. Hammond last week.

On receipt of Mr. Hammond's communication of the 13th, I directed the Crown agent to transmit the papers inclosed in it to the procurator-fiscal at Paisley, with instructions to inquire and report any information he received, but not to act without further instructions. I have received no further information.

From the letters I received from Mr. Trevor, the collector at Glasgow, and the procurator-fiscal there, in reply to the Crown agent's telegrams of the 9th, I infer that this vessel is intended to run the blockade, and not for a cruiser, if she is built for the Confederate States, or for American purposes, and I do not think at present there is ground for detaining her. But I shall probably receive further information in a day or two. Meanwhile I gather from Mr. Trevor's letter that she has not obtained his certificate, without which she is not entitled to sail.

I have, &c.,
(Signed) J. MONCRIEFF.

No. 12.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS, *April* 20, 1864. (Received April 21.)

SIR: The lords commissioners of Her Majesty's treasury have had before them your letter of the 18th instant and its inclosures, further respecting the Hawk, a steamer now fitting at Renfrew, and alleged to be intended for the service of the Confederate States.

As it is stated in the letter from the foreign office of the 13th instant that the letters relating to this vessel have been forwarded to the lord advocate, with a request that he would take such steps in the matter as may seem to him to be proper, my lords have given directions to the commissioners of customs, in order that no time may be lost in case it should be necessary to take any steps in the matter, to be guided by the opinion of the lord advocate as to such steps; but, with the view to an early decision upon the subject, and in order that the same may be communicated by this board to the commissioners of customs in the usual manner, my lords request that, as soon as Earl Russell may be in possession of the opinion of the lord advocate, they may be informed of the decision at which the secretary of state may arrive as to the detention or otherwise of this vessel.

I am, &c.,
(Signed) GEO. A. HAMILTON.

No. 13.

Mr. Hamilton to Mr. Hammond.

[Immediate.]

TREASURY CHAMBERS, *April* 22, 1864. (Received April 23.)

SIR: With reference to the previous correspondence respecting the Hawk, a steamer built in the Clyde, and suspected of being [546] intended for the service of the *Confederate States, I am desired by the lords commissioners of Her Majesty's treasury to transmit herewith copies of letters from the commissioners of customs of this day's date, and of inclosures respecting the departure from the Clyde of that vessel on the 16th instant.

I am also to transmit copy of the letter of this board in reply to the communication from the commissioners of customs, and I am to request that my lords may be informed what instructions Earl Russell may desire should be given to the custom-house authorities as regards the steamer in question, in the event of her entering any of the ports of the United Kingdom.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 13.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *London*, *April* 22, 1864.

SIR: With reference to the orders of the lords commissioners of Her Majesty's treasury, dated the 16th and 19th instant, respecting the Hawk, a vessel recently built in the Clyde, I am directed to transmit to you, for the information of their lordships, the inclosed copy of a report of the collector of this revenue at Glasgow, dated the 20th instant, by which it appears that the vessel had left the port for London on the 16th. I am at the same time to transmit a copy of the report of the solicitor of this date, stating that the master had incurred a penalty of £100, and to acquaint you that the board have instructed the solicitor to institute proceedings against him for the recovery thereof.

I am further to state that the board have not yet been enabled to ascertain whether the vessel has arrived in London, but inquiry is being made, and the result will be reported to their lordships. I am to add that the collector at Glasgow had received no directions to detain the vessel.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 13.]

Mr. Trevor to the commissioners of customs.

CUSTOM-HOUSE, *Glasgow*, *April* 21, 1864.

HONORABLE SIRS: I respectfully report that the vessel Hawk, the subject of your honors' order to this port of the 19th instant, left the Clyde on Saturday last for London, where, I am this morning informed, she has arrived.

On Thursday last Mr. Henderson, of the firm of Henderson and Colburn, of Renfrew, the builders, called upon me to request the vessel may make her trial-trip on Saturday, when I acquainted him there was no objection to the trial-trip being made in the Clyde, but the vessel could not be allowed to leave the Clyde until she was duly registered.

He then promised me that, after the trial and the adjustment of the compasses, he would detain the vessel in the Gravelock, or at the Tail of the Bank, and I was not aware until this morning that the vessel had left.

No certificate of registry has been produced to me, nor clearance granted for 200 tons

of pig-iron, which was shipped at Renfrew, within this port. These goods are therefore liable to forfeiture under section 157 of the customs consolidation act, and the master liable also to a penalty.

Respectfully, &c.,
(Signed) FRED'K TREVOR, *Collector.*

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[547] *[Inclosure 3 in No. 13.]

Report of the solicitor of customs.

APRIL 22, 1864.

In the event of the vessel being within the port of London, any officer of customs may require, under the nineteenth section of the merchant shipping act, 1854, the master to produce the certificate of registry of the ship to enable him to grant clearance; and if such ship attempts to proceed to sea as a British ship without a clearance or transire, such officer may detain her until such certificate is produced. The same power extends to every other port within the United Kingdom. The master having had cargo on board on leaving Glasgow, has incurred the penalty of £100 under section 11 of 18 and 19 Vict., cap. 96.

(Signed) R. BEVERLY.

[Inclosure 4 in No. 13.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *April* 22, 1864.

SIR: With reference to my letter of this date, respecting the vessel Hawk, I am now directed to state that diligent inquiry has been made at the various docks, and in the river, but no information can be obtained in regard to her, and it is believed that she has not arrived at this port.

Mr. Begbie, of Mansion-House Place, merchant and ship-owner, attended at the long room of the custom-house yesterday to make a declaration as owner, for the registry of the Hawk, but as the chief registrar was not in possession of the certificate of measurement, the vessel has not been registered.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 5 in No. 13.]

Mr. Hamilton to the commissioners of customs.

TREASURY CHAMBERS, *April* 22, 1864.

GENTLEMEN: With reference to your letter of this day's date, reporting the departure from the Clyde of the Hawk on the 16th instant, I am desired by the lords commissioners of Her Majesty's treasury to request that they may be informed, with as little delay as possible, how it happened that the Hawk, having left Glasgow on the 16th, the collector at that port does not seem to have been aware of her having left till the 21st instant.

I am, &c.,
(Signed) GEO. A. HAMILTON.

No. 14.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
April 23, 1864. (Received April 23.)

SIR: With reference to their lordships' letter of this day's date, I am commanded by the lords commissioners of Her Majesty's treasury to

transmit to you, for the information of Earl Russell, the inclosed copy of a letter which their lordships have just received from the commissioners of customs, with copies of the accompanying documents further relating to the steam-vessel Hawk.

I am, &c.,
(Signed) GEO. A. HAMILTON.

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[548] *[Inclosure 1 in No. 14.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *April* 23, 1864.

SIR: With reference to my letters of the 22d instant and of this date, respecting the vessel Hawk, I am directed to transmit, for the information of the lords commissioners of Her Majesty's treasury, the accompanying copy of a report from the collector at Glasgow of yesterday's date, with copies of the application of Mr. Begbie, and of the letter of the Crown agent at Edingburgh therein referred to.

I am to add that the certificate of measurement of the vessel will remain in the possession of the board pending their lordships' orders on the case.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 14.]

Mr. Begbie to Mr. Trevor.

4 MANSION-HOUSE PLACE,
London, April 21, 1864.

SIR: Upon going this morning to the customs here for the purpose of registering my steamer Hawk, they inform me they have not yet received the measurement of her; will you therefore be kind enough to forward it immediately to them, and oblige, &c.

Yours, &c.,
(Signed) THOMAS STIRLING BEGBIE.

[Inclosure 3 in No. 14.]

Mr. Trevor to the commissioners of customs.

CUSTOM-HOUSE, *Glasgow, April* 22, 1864.

HONORABLE SIRS: With reference to my report of yesterday's date, and to this application, I respectfully report that the certificate of survey and formula were transmitted to your honors with my report of the 1st instant, and it is for consideration whether, as the vessel is liable to detention under section 19 of the merchant shipping act, 1854, the owner should not be required to give satisfactory explanation of the trade in which she is to be employed prior to her being registered or permitted to leave London.

I annex a letter I have received from the Crown agent in Edinburgh, and I would respectfully refer to the latter part of my report of the 11th instant.

(Signed) FRED'K TREVOR, *Collector.*

[Inclosure 4 in No. 14.]

Mr. Murray to Mr. Trevor.

CROWN OFFICE, *Edinburgh, April* 20, 1864.

DEAR SIR: I telegraphed to you to-day in consequence of a letter received by me from the procurator-fiscal at Paisley, (within whose district Renfrew lies,) dated the 18th, but bearing the Paisley post-mark of the 19th, in which he states that all the information he has been able to get, beyond what I had already communicated to him, "is that the said vessel steamed down the river Clyde from Renfrew about 7 a. m. of Friday, the 15th instant, and left the Tail of the Bank beyond Greenock the following

day, Saturday, under the charge of Captain Colby, who had stated that he was taking the vessel to London, where he expected to arrive to-night or to-morrow." Your reply to my telegram conflicts with this letter; but I hope yours is the correct explanation.

I have no instructions yet to take steps for detaining the vessel, but there ap-
[549] pears to exist so much suspicion as to her ultimate use and destination, that * great caution should be exercised in permitting her departure. I presume, however, that you have instructions from your own board on this subject.

I am, &c.,
(Signed) AND. MURRAY, JUN.,
Crown Agent.

No. 15.

Mr. Hamilton to Mr. Hammond.

[Immediate.]

TREASURY CHAMBERS,
April 23, 1864. (Received April 23.)

SIR: With reference to previous correspondence, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you the inclosed copy of a letter from the commissioners of customs dated this day, reporting the arrival of the steam-vessel Hawk at Greenhithe; and I am to request to be informed whether Earl Russell considers that the circumstances connected with the vessel which have been reported to Her Majesty's government are such as to warrant her detention, in the event of the explanation rendered by the master of the cause of her leaving the Clyde without notice proving satisfactory; and whether it is his lordship's wish that she should be detained accordingly.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 15.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *April* 23, 1864.

SIR: With reference to my letters of yesterday's date, I am directed to acquaint you that, it having been stated to the board that the vessel Hawk has arrived at Greenhithe, within this port, the board have, in consequence, directed their solicitor to call upon the master to explain the circumstance under which he sailed from the Clyde; and I am to signify the request of the board to be favored with the early directions of the lords commissioners of Her Majesty's treasury whether the vessel is to be detained.

I am to add that Mr. Begbie, the owner of the vessel, has applied to the collector to register her as a British ship, and presses for an answer, and the board will have no grounds for detaining her under the customs laws if the explanation of the master is satisfactory. Mr. Begbie states that the vessel is to proceed immediately to Cardiff, to take in a cargo of coal and iron for Copenhagen.

I am, &c.,
(Signed) F. G. GARDNER.

No. 16.

Mr. Hamilton to Mr. Hammond.

[Immediate.]

TREASURY CHAMBERS,
April 25, 1864. (Received April 25.)

SIR: With reference to the previous correspondence respecting the steamer Hawk, I am desired by the lords commissioners of Her Majesty's

treasury to transmit herewith copy of a letter from the customs, of this day's date, and of its inclosure, respecting the alleged illegal departure of that vessel from the Clyde on the 16th instant.

I am to request that you will move Earl Russell to cause my lords to be informed whether he desires that instructions should be given to the commissioners of customs for the detention of this vessel.

I am, &c.,
(Signed) GEO. A. HAMILTON.

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[550] *[Inclosure 1 in No. 16.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *April* 25, 1864.

SIR: With reference to my letters of the 22d and 23d instant, respecting the vessel Hawk, I am directed to transmit to you the accompanying copy of a letter from the master in explanation of his proceedings, and to acquaint you, for the information of the lords commissioners of Her Majesty's treasury, that the board have ascertained that the vessel was cleared by the officers at Greenock as stated by the master, and the solicitor (with whom the board have conferred on the subject) has reported that the master has not incurred any penalty.

I am at the same time to state that the solicitor having further reported that the chief registrar cannot refuse to register the vessel, the board have allowed the registry to be proceeded with; and I am to signify the request of the board to be favored with their lordships' early directions whether the vessel is to be detained, there appearing to be no ground for her detention under the customs laws.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 16.]

Mr. Colby to the commissioners of customs.

4 MANSION-HOUSE PLACE,
London, April 25, 1864.

GENTLEMEN: I received on board the steamship Hawk, on Saturday, a memorandum from the customs, of which the following is a copy:

"Mr. John Colby, master of the Hawk, screw-steamer to explain why he sailed from the Clyde without having been provided with the necessary pass."

In reply, I beg to state that I did not leave the Clyde without the necessary pass, as I believe, from my experience, that the transire that I procured from the Clyde is all that is ever required by the customs to transport a ship from one port to another in the kingdom of Great Britain.

I have further to submit to your honorable board that, having been appointed to the command of steamship Hawk, I received instructions from Mr. Paddon, (Mr. Begbie's superintendent,) at Greenock, to clear the ship at that port and proceed to London, he being satisfied with the machinery, and taking delivery of the steamer from the builders at Greenock. I accordingly went with Mr. Arthur, ship-broker, at Greenock, and the customs were informed, in reply to their inquiry, that the iron was shipped at Renfrew. I most respectfully submit that there was no irregularity, or the customs at Greenock would have detained the ship, and not have granted me, as they did, the usual transire to proceed to London.

I have, &c.,
(Signed) JOHN COLBY,
Master.

No. 17.

The law-officers of the Crown to Earl Russell.

LINCOLN'S INN,
April 26, 1864. (Received April 27.)

MY LORD: We are honored with your lordship's commands signified in Mr. Layard's letter of the 25th instant, stating that he was directed

by your lordship to transmit to us the papers marked in the margin relative to the case of a vessel named the Hawk, which has been constructed at Renfrew, in the Clyde, and is reported to be now at Greenhithe.

Mr. Layard was also pleased to state that he was directed by your lordship to point out to us that the circumstances with regard to this vessel are very suspicious; that she has had no measurement and no registry; and that she left the Clyde in the same manner as the Alabama left the Mersey, on a trial-trip, permitted under promise that she should not go to sea, whereby a penalty £100 has been incurred; and to request that we would take these papers into immediate consideration, and
[551] *favor your lordship at our earliest convenience with our opinion whether there is any ground for detaining or otherwise proceeding against this vessel.

We are also honored with your lordship's commands signified in Mr. Layard's further letter of the 25th instant, stating that, with reference to his former letter of that day's date, he was directed by your lordship to transmit to us a further letter and its inclosures from the treasury, relative to the case of the ship Hawk, and to request that we would take these papers into our consideration, together with those already before us.

In obedience to your lordship's commands, we have taken these papers into our consideration, and have the honor to report—

That whatever suspicions may be entertained, it is clear that there is, at present, no evidence whatever to justify the seizure or detention of this vessel, as having been equipped or fitted out, &c., in violation of the foreign-enlistment act. Mr. Begbie, who claims to be the owner, is a person whose name has been connected with some of the ships or cargoes condemned in the United States prize-courts for breach of blockade; but this is, obviously, no reason for inferring that he is acting in this matter on behalf of the government of the Confederate States, or that he intends to employ the Hawk as a privateer in their service.

We have, &c.,
(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

No. 18.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
April 28, 1864. (Received April 29.)

SIR: With reference to previous correspondence, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the information of Earl Russell, the inclosed copy of a letter from the secretary to the commissioners of customs, dated 26th instant, with copy of a report from the collector of customs at Glasgow, dated 25th instant, in explanation of the circumstances under which the vessel Hawk left the Clyde without his knowledge.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 18.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *April* 26, 1864.

SIR: With reference to your letter of the 22d instant, signifying the desire of the lords commissioners of Her Majesty's treasury to be informed how it happened that the vessel Hawk, having left Glasgow on the 16th instant, the collector at that port did not seem to be aware of her departure until the 21st following.

I am directed to transmit to you, for the information of their lordships, copy of a report of the collector at Glasgow, dated the 25th instant, in explanation of the circumstances under which the vessel left the Clyde without his knowledge.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 18.]

Mr. Trevor to the commissioners of customs.

CUSTOM-HOUSE, *Glasgow, April* 25, 1864.

HONORABLE SIRS: With reference to your honors' order of the 23d instant, directing me to report, for the information of the lords commissioners of Her Majesty's treasury, how it happened that the Hawk, having left this port on the 16th instant, I do not appear to be aware of her having left until the 21st following.

I respectfully report that the vessel was built at Renfrew, six miles from [552] *Glasgow, where no officer of customs is stationed, that there was no suspicion beyond her unusual construction that she was intended for any illegal purpose, and not a particle of proof to justify me to place any officer in charge of her.

This unusual construction was reported by me on the 1st instant, with the name of the person resident in London stated to be the owner.

On the 14th instant, the builder, Mr. Henderson, of the firm of Henderson & Colburn, applied to me to sanction the vessel to make a trial-trip on Saturday the 16th, or Monday the 18th instant, and being then aware that a quantity of iron had been put in on freight to London by a respectable merchant in this city, which would lead to the belief the vessel would go there, I told Mr. Henderson that, while I would not object to the vessel making a trial-trip, (the usual place for which is beyond the limits of this port,) she could not proceed to sea without being duly registered and obtaining a clearance. He then promised me that, after making such a trial-trip and adjusting the compasses, the vessel should be brought back, and not be taken to sea until the proper papers had been obtained. On making inquiry for the vessel again on the 20th, my officer was informed by the master of one of the river steamers that the Hawk was then lying at Renfrew at the builder's yard, but on making further inquiry I learnt, for the first time, the vessel had left the Clyde on the 16th instant, which was reported by me on the 21st instant.

I have subsequently learnt from the owners of the iron that the vessel arrived at Greenhithe, where the iron has been delivered, the discharge being completed on the 23d instant.

Respectfully, &c.,
(Signed) FRED. H. TREVOR,
Collector.

No. 19.

Mr. Hamilton to Mr. Hammond.

[Immediate.]

TREASURY CHAMBERS,
April 29, 1864. (Received April 29.)

SIR: With reference to previous letters of this board, to which my lords have not as yet received any reply, I am commanded by the lords commissioners of Her Majesty's treasury to transmit to you, for the in-

formation of Earl Russell, the inclosed copy of a further letter, dated this day, from the secretary to the commissioners of customs, relating to the vessel Hawk.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure in No. 19.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *April* 29, 1864.

SIR: With reference to my letter of the 26th instant, and to the previous correspondence which has taken place relative to the vessel Hawk, lately built in the Clyde, I am desired to acquaint you, for the information of the lords commissioners of Her Majesty's treasury, that the vessel has been moved up the river to Purfleet; and the controller of the out-door department of this revenue has reported to the board that no cargo has been taken on board; that her crew is small; that she does not appear to have been constructed to carry guns; and that she seems better adapted "for running than for fighting."

I am, &c.,
(Signed) F. G. GARDNER.

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[553] *No. 20.

Mr. Waddington to Mr. Layard.

[Immediate.]

WHITEHALL, *April* 30, 1864. (Received May 2.)

SIR: I am directed by Secretary Sir George Grey to transmit to you, for the information of Earl Russell, with reference to your letter of the 18th instant, the inclosed copy of a police report, from which it appears that the vessel named the Hawk is now at anchor off Purfleet.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure in No. 20.]

Police report.

THAMES DIVISION, *April* 29, 1864.

To the Commissioner:

I respectfully beg to report that the screw-steamship Hawk, mentioned in the attached correspondence, was discovered by two of our men at anchor off Purfleet, where it is rumored that "she is waiting for some gentlemen to come down and survey her." She appears to be completely fitted and ready for sea.

The cause of the delay in our finding her has been by her not coming within the reach of our usual river duties. I have had two men specially employed from Sunday last searching all the docks in the pool and the river as far down as "Halfway Reach;" one of them has also been by rail to Gravesend. Yesterday I sent them down in a private boat, and on their way they fell in with her at Purfleet, as above stated.

(Signed) J. E. EVANS,
Superintendent.

No. 21.

Mr. Layard to Mr. Hamilton.

FOREIGN OFFICE, *May* 6, 1864.

SIR: I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of Her Majesty's treasury, with reference to your several letters respecting the steamer Hawk, a copy of a report from the law-officers of the Crown,[1] stating that there is at present no evidence whatever to justify the seizure or detention of that vessel as having been equipped or fitted out in violation of the foreign enlistment act.

I am, &c.,
(Signed) A. H. LAYARD.

No. 22.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, June 18, 1864. (Received June 20.)

MY LORD: I have the honor to submit to your consideration the copy of a letter addressed to me by Mr. Morse, the consul of the United States for this port, relating to the case of the steamer Hawk.

The observations made by Mr. Morse appears to me to apply with equal force to the Alexandra, which Mr. Dudley, the consul at Liverpool, informs me to be in preparation for similar purposes.

I am instructed by my Government to represent to your lordship that the fact that the parties engaged in these enterprises succeed in disguising their operations to escape detection, so far as is necessary to evade the laws of this kingdom designed to prevent them, does not appear in any way to diminish the very grave nature of the injury committed against an innocent and friendly nation. The practical consequence, if not guarded against, is not unlikely to become the establishment of a system of warfare on the ocean carried on from every
[554] maritime country, *without regard to international obligations and without responsibility. I need scarcely to point out to your lordship that under such practices those nations which have the most extended commerce are subject to the severest injuries. I am directed to say that the United States are not less earnest on this subject now than when they last year remonstrated against the outfit of the vessels, some of which have since been diverted from their original destination.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 22.]

Mr. Morse to Mr. Adams.

UNITED STATES CONSULATE,
London, June 15, 1864.

SIR: During an interview with you quite early last spring I called your attention to the steamer Hawk, then just launched at Renfrew, on the Clyde. About the same time I

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[1] No. 17.

also communicated to our consuls at Glasgow and Liverpool all the information that had reached me in regard to her. But as she recently came into this port, and will soon in some capacity go into active service for the so-called Confederate States, I think it proper that I should again ask your attention to her and lay before you such reliable facts as have come to my knowledge concerning her, notwithstanding your recent correspondence with the British government in regard to her. Owing to the extreme prudence and reticence of those who direct and execute rebel operations in this country, and the skill in evading the laws which three years' experience has taught them, I have found it quite impossible to procure such legal evidence as is here required for her detention and condemnation. But all the facts I propose to state I am confident are substantially correct and reliable.

The Hawk is a new and strongly-built iron screw-steamer of about 800 tons burden, and was built by Messrs. Henderson, Colburn & Co., of Renfrew, on the Clyde. She was examined while on the stocks by Captain Bullock, of the so-called confederate navy, and then purchased by Thomas Sterling Begbie, of London, as I have not the slightest doubt, either for the so-called Confederate States or for certain citizens thereof. When purchased her deck was laid and her accommodations arranged for the usual number of officers and men carried by steamers of her class in the merchant-service. Immediately after she was purchased by Mr. Begbie her arrangements for the accommodations of officers and men were entirely changed, and made to conform to those of a regular man-of-war. This enlarged accommodation for commissioned and warrant officers, seamen, and others takes up so much space in the vessel as to largely diminish her capacity for cargo. After she was launched side-passages were made under deck on each side, connecting the forward with the after-part of the ship. These passages were formed by running an iron floor from the lower forward deck through the coal-bunkers and engine-room to the after-deck or cabin floor of these passages, which is supported by strong iron braces, and then an iron bulk-head run from its inner edge up to the deck, thus making a closed-in passage-way on each side of the ship about 4 feet wide and, say, 7 feet high, running fore and aft, through coal-bunkers, engine, and fire rooms. If the Hawk were intended for a mere trading-vessel, for what is such an arrangement intended? It is hardly to be supposed that so much space would be given on each side of the ship merely to form a new mode of communication between the fore and after part of the vessel. Is it not more reasonable to suppose that these side passages or spaces are to be used as depositories of coal, cotton, or other substances for the protection of engines and boilers against cannon-shot; and, if so, is it not clearly equipment for war purposes?

Her deck was laid of 3½ inches deck-plank, the usual thickness for vessels the size of the Hawk, and abundantly thick for any vessel of her class, if intended for any branch of mercantile trade. After she was sold another 3¼-inch covering was laid over the first deck, making her deck, when completed, 7 inches thick. As this second covering of deck-plank was entirely useless for any mercantile purpose, was it not put on to stiffen the upper part of the ship and deaden the shock she might receive from the recoil of guns when discharged from her deck?

These alterations and her equipment and fittings were done by the direction of Captain Bullock, of the so-called confederate navy. This Captain Bullock
[555] *visited her several times while in the process of completion, and once in company with Mr. Henderson, the builder; Smith, acting purser; and Captain Holmes, the acting agent of Begbie, in fitting and equipping vessels for sea, made a thorough examination of her, and directed various alterations to be made, which were made by the builders, Messrs. Henderson & Co. Captain Bullock was undoubtedly the chief superintendent and director in the purchase and fitting out of the Hawk, Holmes and Smith both looking to him for instructions; and yet she stands registered in Mr. Begbie's name, he being put forward as the pretended owner to give her protection until she can be placed safely in confederate hands.

The Hawk left Renfrew for London April 16, 1864. She touched at Greenock and took in a few men, and then came toward London. After a passage of three days, during which she made about 10½ knots per hour, she arrived near the mouth of the Thames, where she remained in some obscure place about three weeks. Why she was detained there so long, whether to complete her equipment and fitting, or merely detained for orders, I am at present unable to inform you. She next came up to Gray's Thurrock, a short distance this side of Gravesend, and from thence into Victoria dock, London, where she remained at anchor, unconnected with the shore except by row-boats, until June 13, when she was taken out in great haste and brought to an anchor off Woolwich. While she lay in the Thames and London docks no person was allowed to go on board without permission from her first officer, who is a Lieutenant Knox, of the so-called confederate navy.

The only boatman in attendance to take off persons who wished to go on board appears to have been carefully instructed in his duty, and to have performed it satisfactorily to his employers. He first asked the name of the visitor, where he belonged, the nature of his business with the steamer, why he wished to go on board, &c. He

would then go off to the vessel and report the case to Lieutenant Knox, and receive his instructions whether to take the person on board or not. This Lieutenant Knox was, I understand, first officer in the rebel steamer Eugenie, when she was driven on shore, and captain of the Robert E. Lee, when she was captured. Both of these steamers belonged to the insurgents or their government. Lieutenant Knox made application for an examination, and I think was examined, for a captaincy in the British mercantile service, so that he might act as master in taking out from English ports confederate steamers; but failing, if he appeared for examination, to obtain a commission as captain in the British merchant service, he has gone first officer on the Hawk, with the understanding, it is said, that he shall command her when she leaves Bermuda.

She took on board, in this port, some bar-iron and a quantity of deal cases, the contents of which we were unable to learn. When she came into dock here she had two or three British custom-house officers on board. She had probably been under the observation of such officers since leaving the Clyde. This scrutiny over her movements was no doubt one of the consequences of your correspondence with the British government in regard to her. It is not to be presumed that while here, under the observation of government officers, that they would suffer anything to be done which is here considered in violation of the foreign enlistment act or the Queen's proclamation. Although many circumstances connected with her show that she is to be a confederate belligerent ship, yet while in this port, and passing through the formalities necessary to be observed on going to sea, those who controlled her were careful to keep within the letter of the law, though it is probable that they succeeded in disguising her true character. She has an English register, in which Thomas Sterling Begbie, a London merchant, is named as sole owner. Her crew was shipped at the Sailors' Home in this city, a government shipping-office. They shipped for the run out, received one month's advance wages, with a promise of two months' wages in addition on arriving out. She cleared under the protection of English papers and the English flag, and is bound, it is given out, for Bermuda, an English island.

From the fact that she was purchased, equipped, and fitted under the directions of Captain Bullock; that after the purchase she was changed so as to accommodate ward-room officers aft, and warrant-officers and over 100 men forward of the engines; that she was greatly stiffened in the upper deck, to enable her to bear the recoil of guns when discharged; that arrangements have been made for protecting her engines and boilers against shot; that the greatest secrecy and caution were observed in regard to her while in this port; and that a lieutenant in the rebel navy is acting as
[556] her first officer, and from many other facts and circumstances * known to me, I am satisfied that she belongs to the so-called confederate government, and that said government intends to use her for purposes of war, or for committing depredations against the commerce of the United States.

There is a possibility that she may go to some continental port to receive her armament and men, or take them in at sea; but should she go to Bermuda, in conformity with her clearance from this port, permit me to suggest the propriety of requesting the British government to give her some attention on her arrival out.

I remain, &c.,
(Signed) F. H. MORSE, *Consul.*

No. 23.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June* 20, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 18th instant, and its inclosure, respecting the Hawk, and I have the honor to state to you that Her Majesty's government will cause further inquiries to be made with respect to this vessel.

I am, &c.,
(Signed) RUSSELL.

No. 24.

Mr. Hammond to Mr. Hamilton.[1]

FOREIGN OFFICE, *June* 20, 1864.

SIR: I am directed by Earl Russell to transmit to you a copy of a letter from the United States minister of this court, inclosing a copy of a letter addressed to him by the United States consul in London,[2] respecting the Hawk, a vessel which, in April last, formed the subject of correspondence between this department and the treasury; and I am to request that you will move the lords commissioners of Her Majesty's treasury to give directions that immediate inquiries may be made in the matter, and such steps taken as the result of those inquiries may appear to call for, to prevent any infringement of the law.

I am to add that Lord Russell has caused a letter to the above effect to be addressed to the home office.

I am, &c.,
(Signed) E. HAMMOND.

No. 25.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *June* 29, 1864. (Received June 29.)

SIR: I am directed by Secretary Sir George Grey to acquaint you that, on the receipt of your letter of the 20th instant, the commissioner of police was instructed to make further inquiry respecting the vessel named the Hawk; and I am to transmit to you, for the information of Earl Russell, the inclosed copy of a report made to Sir Richard Mayne, which contains the result of the inquiry.

I am, &c.,
(Signed) H. WADDINGTON.

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[557]

*[Inclosure in No. 25.]

Police report.

THAMES DIVISION, METROPOLITAN POLICE,
June 27, 1864.

I beg to report, for the information of Sir Richard Mayne, from careful inquiries I have made, (assisted by Inspector Clark,) it appears that the Hawk, J. Cobbe or Cobby, commander, shipped a crew at the shipping-office, Hanmet street, Minories; left the Victoria docks on the 13th instant, brought up off Gravesend; remained there till the next day, and then proceeded to sea. The crew received advance notes for the run to Bermuda, payable by Mr. F. S. Begbie, ship-owner and merchant, of 4 Mansion House Place, city. On leaving this port she had on hand a large quantity of bar-iron and cases supposed to contain machinery, which the mate was heard to say were to be landed at Wilmington, in the Southern States of America, and the vessel was then to proceed to Bermuda, but for what purpose was not stated.

The general opinion of persons concerned with shipping, who noticed this vessel's movements, is that she was intended to run the blockade, but such great caution and secrecy appear to have been observed by those having the management of her affairs

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[1] A similar letter was addressed to the home office.

[2] No. 22.

that I am unable to glean any reliable information as to her ultimate object or destination, and the only course I can recommend is that suggested by the United States consul, viz, on her arrival at Bermuda, have her kept under observation.

(Signed) T. E. EVANS, *Superintendent.*

No. 26.

Mr. Hammond to Sir F. Rogers.

FOREIGN OFFICE, *June* 30, 1864.

SIR: I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of Her Majesty's treasury, the accompanying copy of a letter from the home office respecting a vessel called the Hawk,[1] which has recently sailed from Gravesend for Bermuda, and which has been suspected of being intended for the service of the so-styled Confederate States.

I am, &c.,

(Signed) E. HAMMOND.

No. 27.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *July* 4, 1864.

SIR: With reference to my note of the 20th ultimo, I have the honor to inform you that it appears from further inquiries which have been made by the board of customs with respect to the Hawk, that that vessel left the Victoria docks on the 13th ultimo, and is stated to have passed Gravesend on the following day, having cleared for Bermuda.

The commissioners of customs report that the cargo of the Hawk consisted of iron, iron bar, bar-steel, and divers articles of merchandise; that some of the packages were examined by their officers, but that nothing of a suspicious nature was found therein. The commissioners add that they are informed that their officers had no difficulty in going over every part of the ship, and that in so doing they saw nothing to arouse any suspicion of the vessel; that she appeared to be a very fast merchant-ship, and that the general opinion seems to have been that she was not fitted for war purposes, her iron plates being so thin and light.

I am, &c.,

(Signed) RUSSELL.

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[558] *No. 28.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET,
July 22, 1864. (Received July 25.)

SIR: I am directed by Mr. Secretary Cardwell to acknowledge the receipt of your letter of the 30th ultimo, respecting a vessel named the Hawk, which has recently sailed from Gravesend for Bermuda.

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[1] No. 25.

I am desired to acquaint you, for the information of Earl Russell, that nothing appears to Mr. Cardwell to be disclosed in these papers which points to any warlike enterprise on the part of the Hawk, or which would justify any interference on the part of the colonial authorities.

I am, &c.,
(Signed) FREDERICK ROGERS.

No. 29.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, January 14, 1865. (Received January 14—4.50 p. m.)

MY LORD: I have the honor to submit to your consideration the copy of a letter received from the consul of the United States at this place, furnishing information of certain proceedings believed to be conducted in violation of the neutrality of this kingdom.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 29.]

Mr Morse to Mr. Adams.

UNITED STATES CONSULATE,
London, January 10, 1865.

SIR: On the 15th day of June, 1864, I addressed to you a letter containing a detailed statement of the purchase and equipment of the British screw-steamer Hawk, as I believed, for a rebel privateer. For all particulars in reference to the fitting, equipment, &c., of this vessel, permit me to refer you to that letter, all the statements of which I still believe to be entirely correct. I may add that one of the builders, I have learned, stated while in London, near the time the Hawk left, that he had been obliged to give a guarantee that she should not go into the possession of the confederates to be used as a belligerent ship.

I have no means of verifying this statement, or, if true, how long a time the guarantee was to extend over.

The Hawk left for Bermuda on the 13th of June last, with Lieutenant Knox, of the rebel navy, as chief officer, and a Mr. Archer, of said navy, as the real engineer in chief, though a Mr. C. Hoskins, of 12 York Street East, Stepney, was nominally so. The Hawk staid at Bermuda between five and six months entirely idle, and some three weeks ago returned to Liverpool, and about a week ago to the port of London.

Mr. Archer, a chief engineer in the rebel service, who went out in her in June last to Bermuda, remained on board or attached to her all the time she lay doing nothing in port, which was nearly six months, and returned in her to Liverpool.

This vessel was undoubtedly fitted and intended for a privateer, but what kept her so long lying idly at Bermuda I know not, unless it be true that her builders or owners were under bonds not to let her pass into belligerent hands. I have been informed on authority which, in such matters, has rarely erred, that she will yet go out as a privateer, and that very soon, too. It is now said she will be sold, and go out in some way at once, but she stands to-day registered in the name of Thomas Stirling Begbie, and was mortgaged on the 12th of December last, to Mr. William Boyle. Bartholomew Road, Kentish Town, for £20,000. I think the attention of the British government should be again called to her. I learn from authority I consider entirely reliable, that the rebel officers in this country expect to get two privateers out of this country before the close of February.

[559] *Captain Bullock, Lieutenant Carter, and Davidson are now in London, it is supposed, in connection with them. Another strangely suspicious, if not entirely confirmatory circumstance, is that there are now in London forty-seven men, under the care of a boarding-house keeper by the name of Captain Earley, who expect to

leave, perhaps to-morrow, to meet a rebel privateer somewhere, they do not know where. These men are mostly English, and came, many of them, from the pirate Florida, and from the Rappahannock, still at Calais, and used as a receiving-ship. They have received orders for £10 bounty each, which they expect to get this morning, and I may know to-morrow who pays it. These men do not hesitate to say to those whom they think they can trust that they are positively engaged for a privateer, and the fact that most of them have served in rebel privateers, and the strong desire they express of again getting at the work of plundering American ships on account of the plunder they were allowed to appropriate to their own use, certainly gives strength to these declarations.

The side-wheel steamer City of Richmond, which left this port this afternoon, or rather, the dock, has created some suspicion, principally on account of her sale "to foreigners," and her retransfer to Edward Lester Goulbourne, of Tremane, county of Chester. This steamer was built at Cubitt Town for the Great Eastern Railway Company, and was completed in June last. She is 614 tons gross, and was transferred entire to the above Goulbourne on the 24th of December last, only two days after her sale to foreigners. Her crew were shipped regularly at the Sailors' Home. I understand she has not much cargo on board, but a large amount of stores. Her master's name is William Scott. What I fear is, that she will be used as a supply-ship to some privateer, and will be detained down the river to receive the privateersmen who are kept here to be sent to their ship.

Edward Lester, or Liston, Goulbourne holds the whole of the steamer Rattlesnake, as well as the City of Richmond, in his own name, and appears to be a person used by the confederates to cover steamers actually owned by them. The City of Richmond was called Avalon while owned by the railway company, and her name was changed when she was sold "to foreigners" on the 22d of December, 1864.

In hope of learning to-day where the privateersmen would be put, I thought it expedient to keep this paper open until this morning for this purpose. I am now able to say that about noon to-day the men were sent by railroad to Greenhithe, and were put on board the steamer City of Richmond. This vessel cleared for Bermuda; and, as there was not yesterday, the day she sailed, any authority indorsed on her register, authorizing the captain to sell her, and as she then stood registered in the name of E. L. Goulbourne, I think the probabilities are that she is taking men and stores, possibly munitions of war also, to some privateer. The orders given to the men for £10 each were drawn by Richard W. Curtis, understood to be a person in the rebel naval service, and were drawn on H. P. Maples, No. 4 Arthur street East, London Bridge, and are dated London, January 9, 1865. An attested copy of one of the orders drawn in favor of William Young is hereunto annexed.

Yours, &c.,
(Signed) F. H. MORSE, *Consul.*

LONDON, *January* 9, 1865.

(Stamp.)

Mr. H. P. Maples, 4 Arthur street East, London Bridge:
Please pay William Young on order £10.
£10 0 0
(Signed) RICHARD W. CURTIS.

CONSULATE UNITED STATES OF AMERICA, *London.*

The above is a true copy of the original order in the hands of William Young, fireman, late of the Florida.
(Signed) JOSHUA MINN.

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[560] *No. 30.

Mr. Hammond to Mr. Waddington.

[Immediate.]

FOREIGN OFFICE, *January* 15, 1865.

SIR: I am directed by Earl Russell to transmit to you herewith copies of two letters and their inclosures, received from Mr. Adams,[1]

[1] No. 29 and No. 1 of papers relating to the City of Richmond.

respecting some alleged enlistments for the service of the Confederate States; and I am to request that, in laying these letters before Secretary Sir George Grey, you will move him to cause inquiry to be made, and any measures to be taken which circumstances may appear to require, and which may be in accordance with the law.

I am, &c.,
(Signed) E. HAMMOND.

No. 31.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *January* 16, 1865. (Received January 16.)

SIR: I am directed by Secretary Sir George Grey to acknowledge the receipt of your letter of the 15th instant, transmitting copies of two letters and their inclosures from the United States minister at this court, respecting some alleged enlistments for the service of the Confederate States; and I am to state, for the information of Earl Russell, that as to the Hawk, the mayor of Liverpool will be requested to make inquiries. As to the City of Richmond, there appears to be at present no evidence of the destination and the intentions of her commander which could be submitted to the law-officers for their opinions as to the legality of her detention. The mayor of Falmouth will be written to, to make inquiries if the City of Richmond should touch at this port.

I am, &c.,
(Signed) H. WADDINGTON.

P. S.—Sir Richard Mayne will also be directed to obtain information as far as he is able, as to both these vessels.

No. 32.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 16, 1865.

SIR: I have the honor to acknowledge the receipt of your letters of the 14th instant, inclosing copies of two letters, dated respectively the 10th and 14th of this month, which have been addressed to you by the United States consul in London.

I am, &c.,
(Signed) RUSSELL.

No. 33.

Mr. Baring to Mr. Hammond.

[Immediate.]

WHITEHALL, *January* 19, 1865. (Received January 19.)

SIR: With reference to your letter of the 15th instant, and Mr. Waddington's reply of the 16th, I am directed by Secretary Sir George

Grey to transmit to you, for the information of Earl Russell, the inclosed copy of a report by the head constable of Liverpool, of the result of his inquiry as to the screw-steamer Hawk.

I am, &c.,
(Signed) T. G. BARING.

]561] *[Inclosure in No. 33.]

Police report.

LIVERPOOL CONSTABULARY FORCE, CENTRAL POLICE OFFICE,
Janunry 18, 1865.

The head constable has the honor to report, for the information of his worship the mayor, relative to a communication received from the home office, dated Whitehall, 16th January, 1865, directing that inquiries be made as to the proceedings of the screw-steamer Hawk, which, it is alleged, after a protracted stay at Bermuda, returned to England, and remained for some time in this port; that he gave instructions to an experienced detective constable to make the necessary inquiries, who stated as follows:

The Hawk made her first passage from the Clyde to London, in April, 1864, from whence she sailed for Nassau, or some other port in the West Indies. On the 18th December last she arrived here from Bermuda, her crew numbering fifty-six men, with a cargo of one hundred and forty bales of cotton, and some other articles, which were consigned to Messrs. Beech, Root & Co., No. 2 Old Hall street. As soon as her cargo had been discharged in the Stanley warehouses, she was hauled into the Victoria dock, where she was reladen with white resin in bags, and oak staves, said to have been sent by Messrs. G. H. Fletcher & Co., the Albany Buildings, Old Hall street, or Messrs. Pennington, Hough & Co., of Brunswick street. She sailed from Liverpool for London on the 24th December last, and on her passage came in collision with a vessel named the Venus, Captain Cobley. Her captain has been in command of her ever since she has been launched, but neither he nor any of the three firms already named are, so far as can be ascertained, in any way connected with the confederate cause, except as blockade runners. Had the Hawk been intended for a confederate cruiser, it is difficult to understand why she should have returned here from the West Indies in the manner she did. The following are her dimensions: She was built by Messrs. Henderson & Goulbourn, of Renfrew, and is stated to be of the following measurement: 530 tons register; 250 horse-power; 230 feet long over all; draws 14 feet; is constructed of iron plates ⅜ of an inch thick; screw fitted to lift; 1 funnel; coal-bunkers, 11 feet long, fitted in on each side of her boilers, adding considerably to her strength; has a passage between decks; is bark-rigged, and said to be a good sailer.

(Signed) J. J. GREY, *Head Constable.*

No. 34.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January*, 27 1865.

SIR: With reference to my letter of the 16th instant, I have the honor to inform you that it does not appear to Her Majesty's government, from the information which you have furnished me, or from such information as they have otherwise been able to obtain, respecting the Hawk and the City of Richmond, that either of these vessels is intended for the war-service of the so-styled Confederate States, still less that there has been any illegal equipment in this country of either vessel.

With regard to the men supposed to have enlisted into the confederate service, the greater part of whom appear to have already sailed for Nassau by the City of Richmond, it seems, indeed, to be probable that they came together for some purpose connected with the war-service of the Confederate States. But there is no evidence in the posses-

sion of Her Majesty's government to show either that any particular persons among them, being natural-born subjects of Her Majesty, have enlisted in that service, or have left this country with a view to such enlistment, or that any of them, whether natural-born subjects of Her Majesty, or not, have been induced to enlist in this country, or to go from hence for the purpose of enlistment, by any particular person or persons now amenable to Her Majesty's jurisdiction.

The information which Her Majesty's government possesses with regard to such of these men as belonged to the Florida rather leads to the conclusion that, when they arrived in this country from Bahia, they, whether subjects of Her Majesty or not, were already in the confederate service, and that no new enlistment or engagement in this country need be supposed in order to account for their coming *together and going out to a port from whence they may be able to proceed to the Confederate States.

[562]

I have further the honor to state to you that, when the particular facts relative to the engagement of the crew of the Florida were under the consideration of Her Majesty's government on the occasion of the presence of some of them at Liverpool, it was found that they had been engaged and shipped at Mobile, in the Confederate States, under circumstances which did not seem to Her Majesty's government to justify the expectation that they could be successfully prosecuted for any offense against the foreign-enlistment act. Whether the men now in question were part of the same crew or were enlisted for the Florida at some other place, and under different circumstances, does not at all appear.

Her Majesty's government are therefore of opinion that there is not at present any such evidence before them of a violation of the foreign-enlistment act, either by the equipment or fitting out of the ships Hawk and City of Richmond, or either of them, or by the enlistment or procurement of men in this country for the confederate war-service as would justify them in taking any legal steps in the matter.

I am, &c.,

(Signed) RUSSELL.

[563]

*AMPHION.

Number.	From whom and to whom.	Date.	Subject.	Geneva edition.	Second edition.
				Page.	*Page.*
1	Admiralty to foreign office...	Dec. 4, 1863	Letter from Messrs. Williams & Co., denying that they intended to sell the Amphion to the Confederate States.	565	645
2	Foreign office to home office..	Jan. 13, 1864	Suspicion exists that the Amphion may be sold to the confederates. To make inquiries.	565	645
3	Home office to foreign office...	Jan. 18, 1864	Inquiries will be made at once.....	566	646
4	.....do	Jan. 22, 1864	Report of police. The Amphion is dismantled. No signs of her being fitted out. It is believed that she will be used as an emigrant-ship.	566	646
5	Mr. Adams to Earl Russell...	Mar. 18, 1864	Letter from the United States consul in London, calling attention to preparations for the departure of the Amphion.	566	647
6	Earl Russell to Mr. Adams....	Mar. 18, 1864	His letter has been forwarded to the home office. Result of inquiries made in January.	567	647
7	Foreign office to home office...	Mar. 18, 1864	Forwarding Mr. Adams's note. For immediate inquiries.	567	648
8	Home office to foreign office...	Mar. 21, 1864	Report from police. The Amphion is rapidly fitting out.	568	648
9	Law-officers to Earl Russell...	Mar. 23, 1864	There is at present no case for interference.	568	649
10	Home office to foreign office...	Mar. 26, 1864	Further police report. Cannot learn destination of the Amphion.	568	649
11	Earl Russell to Mr. Adams...	Mar. 26, 1864	There is no case at present for interference on the part of the government.	569	650
12	Home office to foreign office...	Mar. 29, 1864	The Amphion about to leave the Victoria docks. Her destination said to be Copenhagen.	569	650
13	Foreign office to admiralty....	Mar. 31, 1864	In what state was the Amphion when she was sold out of the navy.	570	650
14	Earl Russell to Mr. Adams...	Apr. 2, 1864	Further reports received from home office; but Her Majesty's government are still advised that there is no legal ground for interference.	570	651
15	Admiralty to foreign office....	Apr. 6, 1864	Report on the state of the vessel when she was sold. She was always inefficient.	570	651
16	Register of the Amphion.....	.....	.....	572	652

No. 1.

The secretary to the admiralty to Mr. Hammond.

[Immediate.]

ADMIRALTY, *December* 4, 1863. (Received December 4.)

SIR: With reference to my letter of this day's date,[1] I am commanded by my lords commissioners of the admiralty to transmit to you, to be laid before the secretary of state for foreign affairs, the inclosed copy of a letter, dated the 1st instant, from Messrs. A. E. Williams & Co., denying that they have any intention of disposing of the Amphion to the Confederate States of America, or that they have any communication with the confederate government, directly or indirectly, for the purchase of vessels.

AMPHION.—Correspondence.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 1.]

Messrs. Williams & Co. to W. G. Romaine, Esq.

5 LANCASTER PLACE, STRAND, LONDON,
December 1, 1863.

SIR: We observe a letter in the Times, of this day's date, which we fancy may be in some measure calculated to destroy any confidence the lords commissioners of the admiralty might hitherto have entertained in the *bona fides* of our transactions with them in the purchase of vessels. We therefore beg most respectfully to state that we have not had any communication with the confederate government, directly or indirectly, for the sale of vessels, and that the Amphion is to be placed on a colonial station for mercantile purposes. We would further beg to state that the valuation made for us of the Amphion, by ships' valuers of high standing, (and whose names we shall be happy to furnish if you require them,) was only £5,000, or £1,600 less than we paid for her.

We have, &c.,
(Signed) ALFRED E. WILLIAMS & Co.

No. 2.

Mr. Hammond to Mr. Waddington.

FOREIGN OFFICE, *January* 13, 1864.

SIR: I am directed by Earl Russell to request that you will state to Secretary Sir George Grey that there seems reason to apprehend that Her Majesty's late ship Amphion, which was sold not long since to

[1] See correspondence respecting the Rappahannock.

Messrs. A. E. Williams & Co., of 5 Lancaster Place, Strand, and which is now fitting out by the Thames Ship-Building Company, may have been, or be about to be, sold for the confederate service; and I am to request that you will move Sir George Grey to cause such inquiries to be made into the matter as may serve to ascertain how far the reports to that effect, which have reached Lord Russell, are well founded or not.

I am, &c.,
(Signed) E. HAMMOND.

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[566] *No. 3.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *January* 18, 1864. (Received January 18.)

SIR: I have laid before Secretary Sir George Grey your letter dated the 13th instant, but received at the home office this day, relative to the supposed sale of Her Majesty's late ship Amphion, for the service of the so-styled Confederate States; and I am to acquaint you that Sir Richard Mayne has been instructed to make immediate inquiry on the subject, and his report will be communicated to you for the information of Earl Russell.

I am, &c.,
(Signed) H. WADDINGTON.

No. 4.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *January* 22, 1864. (Received January 23.)

SIR: With reference to my letter of the 18th instant, I am directed by Secretary Sir George Grey to transmit to you, for the information of Earl Russell, the inclosed copy of a letter from Sir Richard Mayne, reporting the result of the inquiry which has been made respecting the Amphion.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure in No. 4.]

Sir R. Mayne to Mr. Waddington.

METROPOLITAN POLICE OFFICE,
January 20, 1864.

SIR: I have to acknowledge the receipt of your letter of the 18th instant, transmitting a copy of a letter from the foreign office, relative to the supposed sale of Her Majesty's late ship Amphion for the service of the so-styled Confederate States.

I have to state, for the information of Secretary Sir George Grey, that it is reported to me by the police by whom I directed inquiries to be made, that the ship Amphion is lying in the Victoria docks, completely dismantled and dismasted. Twenty workmen were on board, and there were no signs of any "fitting out" having com-

menced. At present the impression among the dock officials is, that she is about to be fitted out as an emigrant-ship.

I have directed observation to be continued by the Thames police to let me know if any change takes place in the state of the Amphion.

I am, &c.,
(Signed) RICHARD MAYNE.

No. 5.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, March 18, 1864. (Received March 18—1 p. m.)

MY LORD: I have the honor to submit your consideration the copy of a letter addressed to me by Mr. Morse, the consul of the United States at this port, relative to another war-vessel lately belonging to Her Majesty's government, which is fitting out under suspicious circumstances.

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

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[567] *[Inclosure in No. 5.]

Mr. Morse to Mr. Adams.

UNITED STATES CONSULATE,
London, March 17, 1864.

SIR: Some time since the screw-steamer Amphion, a fifty-gun ship of war, was sold out of Her Majesty's service, as was supposed, for breaking up. She has recently had some partial repairs made on her, and temporary or jury-masts put in as though preparing for a short voyage. She has had steam up once or twice this week, as if preparing to move out of dock. Her fittings as a ship of war are still complete, and I am informed that the real owners or their agents here intend to move her to some more quiet locality, where a thorough refitting will attract less attention.

She is not registered, nor has there been any notice given at either the custom-house or registry-office of an intention to register.

She is now in the Victoria dock, London, and may leave at any time when the tide serves for leaving the docks. Permit me to suggest the propriety of asking the attention of the government here to this ship, that there may not be another escape, and a repetition of the Rappahannock case, which I have reason to fear is the intention of those controlling her.

I am, &c.,
(Signed) F. H. MORSE, *Consul.*

No. 6.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *March* 18, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of this date, calling the attention of Her Majesty's government to the circumstances under which the Amphion, a vessel lately sold out of Her Majesty's navy, is being fitted out for sea; and I have the honor to inform you that I have lost no time in forwarding a copy of your note to the secretary of state for the home department.

The attention of Her Majesty's government was directed to this vessel

in January last, but it turned out upon inquiry that the ship was lying in the Victoria dock completely dismantled and dismasted, with no signs of any fittings out for sea having commenced; and the impression among the dock officials was that it was intended to employ her as an emigrant vessel.

I am, &c.,
(Signed) RUSSELL.

No. 7.

Mr. Hammond to Mr. Waddington.

[Immediate.]

FOREIGN OFFICE, *March* 18, 1864.

SIR: With reference to your letters of the 18th and 22d of January, relative to the Amphion, I am directed by Earl Russell to transmit to you, to be laid before Secretary Sir G. Grey, a copy of a note from Mr. Adams, inclosing a copy of a letter addressed to him by the United States consul in London,[1] reporting that steps are being taken to fit out that vessel for sea under suspicious circumstances; and I am to request that you will suggest to Sir G. Grey that further inquiries should, without loss of time, be made in this matter.

I am, &c.,
(Signed) E. HAMMOND.

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[568] *No. 8.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *March* 21, 1864. (Received March 21—4.55 p. m.)

SIR: With reference to your letter of the 18th instant, I am directed by Secretary Sir George Gray to transmit to you, for the information of Earl Russell, the inclosed copy of a police report, stating the result of the inquiry which has been made as to the condition of the ship Amphion at the present time.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure in No. 8.]

Police report.

MARCH 19, 1864.

I beg to report that I have had observation continued on the ship Amphion. Her fitting out is rapidly progressing; upward of twenty workmen are employed on board, viz, engineers, riggers, and laborers. Her coals are on board; two jury-masts with lower rigging are up. Her old fittings for war purposes have not been removed, and are such as would not be required for a merchant-ship. Her general appearance warrants the opinion that she is about to remove to some other place, I have heard to France, and she is likely to leave this port within a week.

The owners are said to be Messrs. Williams & Co., 5 Lancaster Place, Strand.

(Signed) J. E. EVANS, *Superintendent.*

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[1] No. 5.

No. 9.

The law-officers of the Crown to Earl Russell.

LINCOLN'S INN, *March* 23, 1864. (Received March 23.)

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 21st instant, stating that he was directed by your lordship to transmit to us the accompanying papers relative to the Amphion, a frigate sold last year out of Her Majesty's service, which it has been represented to Her Majesty's government is being fitted out for sea under suspicious circumstances; and to request that we would take this case into consideration, and favor your lordship, at our earliest possible convenience, with our opinion thereupon.

In obedience to your lordship's commands we have taken this matter into our consideration, and have the honor to report—

That no case for interference seems to us to be at present made out in this instance.

Whatever may be the nature of the "fitting out" now going on, there is nothing to show that it is in violation of the foreign enlistment act.

(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

No. 10.

Mr. Waddington to Mr. Hammond.

(Immediate.)

WHITEHALL, *March* 26, 1864. (Received March 26.)

SIR: With reference to your letter of the 18th instant, I am directed by Secretary Sir George Grey to transmit to you, for the information of Earl Russell, a copy of a further police report respecting the ship Amphion.

I am, &c.,
(Signed) H. WADDINGTON.

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[569] *[Inclosure in No. 10.]

Further police report.

THAMES DIVISION, *March* 26, 1864.

I respectfully beg to state, for the information of the commissioner, that the Amphion now has her sails bent, her anchors and chains are on board, and a large quantity of coals, said to be upward of 400 tons. I am unable to learn, with any degree of certainty, when she will leave and where she is bound to. From the diminutive size of her masts, and the general scantiness of her sails, rigging, &c., she is evidently about to proceed to some other place to fit out, but great secrecy appears to be observed. Rumors among the workmen are various and not to be relied on. The north of England, France, and Copenhagen are respectively named as her destination. The sailors, it is said, will be shipped for the run out only.

(Signed) T. E. EVANS, *Superintendent.*

No. 11.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *March* 26, 1864.

SIR: With reference to my letter of the 18th instant, I have the honor to state to you that it appears, from further inquiries which Her Majesty's government have instituted with regard to the Amphion, that that vessel is being actively fitted out for sea, but Her Majesty's government are advised that, whatever may be the nature of the fitting out now going on, there is nothing to show that it is in violation of the foreign-enlistment act, and that, under these circumstances, no case appears to be made out for their interference with regard to this vessel.

I am, &c.,
(Signed) RUSSELL.

No. 12.

Mr. Waddington to Earl Russell.

[Immediate.]

WHITEHALL, *March* 29, 1864. (Received March 29.)

SIR: With reference to your letter of the 24th instant, and previous correspondence on the subject, I am directed by Secretary Sir George Grey to transmit to you, for the information of Earl Russell, the inclosed copy of a police report containing the latest intelligence respecting the ship Amphion.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure in No. 12.]

Police report.

THAMES DIVISION, *March* 28, 1864.

The ship Amphion has got her boats' stores and a crew of from thirty to forty men on board. Her steam is being got up, and she is expected to leave the Victoria docks to-morrow morning's tide, about 4 o'clock.

The seamen do not appear to have yet entered into any agreement, but expect to sign articles on board the ship. The only information we can get is that she is bound to Copenhagen, which I think doubtful.

The bearer is P. C. 30, Marsden, who has been keeping observation.

(Signed) J. C. EVANS, *Superintendent.*

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[570] *No. 13.

Mr. Layard to the secretary to the admiralty.

FOREIGN OFFICE, *March* 31, 1864.

SIR: With reference to your letter of the 4th of December last, and to previous correspondence respecting the Amphion, I am directed by Earl Russell to request that you will move the lords commissioners of the admiralty to state, for his lordship's information, in what condition

this vessel was when sold out of the navy, both as to keeping the sea and as a man-of-war.

I am, &c.,
(Signed) A. H. LAYARD.

No. 14.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 2, 1864.

SIR: Referring to my letter of the 26th ultimo, I have the honor to state to you that Her Majesty's government have had before them further reports, addressed to the home department, respecting the preparations making for sending the Amphion to sea, and the service on which it is intended to employ her, and that Her Majesty's government are again advised that there is no evidence tending to show any actual or contemplated violation of the foreign-enlistment act in this case.

I am, &c.,
(Signed) RUSSELL.

No. 15.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *April* 6, 1864. (Received April 7.)

SIR: With reference to your letter of the 31st ultimo, I am commanded by my lords commissioners of the admiralty to request you will lay before the secretary of state for foreign affairs the accompanying statement of the age, qualities, and stowage of the Amphion, together with a copy of a report as to the state of her hull and engines when sold; and I am to observe that she was, when perfectly sound, a slow and inefficient man-of-war.

I am, sir,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 15.]

Statement of the qualities, age, &c., of the Amphion.

Hull, 1,475 tons; engines and boilers, 300 horse-power. Age of hull, 17 years; engines, 17 years; boilers, 8 years. Hull, when last repaired, completed repairing at Chatham, June 17, 1859; engines and boilers, June, 1859. General qualities of hull: Sails fairly, but wears badly; generally an easy ship; hull showed great symptoms of weakness during her last commission; engines satisfactory; boilers entirely unserviceable without further repair, and very defective. Speed, about 7 knots. Stowage: water, 63 tons; bread, 10⅘ tons, equal to 8 weeks; provisions, 23⅓ tons, equal to 13 weeks for 340 men; coals, about 210 tons.

CONTROLLER'S OFFICE, *April* 5, 1864.

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[571] *[Inclosure 2 in No. 15.]

Report on engines, boilers, &c., of Amphion.

STEAM-ENGINE FACTORY,
Sheerness Yard, April 4, 1864.

SIR: With reference to the controller's memorandum of the 2d (instant?) and your minute of this morning to report immediately in what condition the Amphion was when

sold to Messrs. Williams, both as to the soundness of the hull, the state of the engines and boilers, and as to her general qualities of speed, &c., I have the honor to state that the general condition of the engines and boilers rendered it necessary for them to undergo considerable alteration and repair, as stated in the report of survey of the 8th January, 1863, for which the sum of £2,018 was estimated for the repairs to machinery alone.

In August last, when the survey was again renewed, it was deemed necessary to remove the engine and boilers from the ship to efficiently repair the hull, which would then have more than doubled the expenses, and the speed of the ship being so very limited, (under seven knots,) and the hull being represented as considerably defective, the reserve price of £1,500, as the value of old material, was given as the least which should be taken for them.

I am, &c.,
(Signed) G. BLAXLAND, *Chief Engineer.*

[Inclosure 3 in No. 15.]

Messrs. Woods and Martin to the captain superintendent, Sheerness.

SHEERNESS, *April* 4, 1864.

SIR: With reference to the controller of the navy's order of the 2d instant and your minute thereon, we beg to report that the condition of the hull of the Amphion when sold to Messrs. Williams was as follows, viz:

Stemson, rotten.
Cant-timbers started aft, four in number, and two on port side rotten.
Fourth futtocks, five on the port side very defective.
Post-timbers on the port side, six in number, rotten.
Fifth futtocks, two on the starboard side rotten.
Nearly the whole of the heels of the timbers of the fore-cant body are defective.
Stern and apron are in a rotten state.
Binding-strake in store-room, three on each side, rotten.
Trusses, two on each side, rotten.
Step to foremast in bad condition.
Shelf, starboard side, one shift rotten.
Iron sheathing to bunkers in bad condition.
Lower deck much worn.
Short-stuff between ports, 200 feet rotten.
Knee of head and fittings require repair.
Plank in wake of chain-plates, two-thirds rotten, and quarter of main wall rotten.
Spirketting on port side forward, one shift rotten.

The whole of the work in the bunkers has the appearance of new work, and is quite sound.

The metal pivots and radius-plates were removed and returned into store and the magazine dismantled.

We have, &c.,
(Signed) W. WOODS,
Master Shipwright.
T. MARTIN,
Assistant Master Shipwright.

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[572] *No. 16.

Register of the Amphion.

FORM No. 19. November, 1864.

Copy register for transmission to chief registrar of shipping.

Official number of ship, 50,130; name of ship, Amphion.

Port number.	Port of registry.	British or foreign built.	Whether a sailing or steam ship; if steam, how propelled.	Where built.	When built.	Number, date, and port of previous registry, (if any.)
430 in 1864.	London.	British	Steam-screw.	Woolwich, county of Kent.	1847.	

Number of decks, three.	Build, Carvel.
Number of masts, none.	Gallery, two.
Rigged, none.	Head, man-bust.
Stern, elliptic.	Frame-work, wood.

TONNAGE.

	No. of tons.
Tonnage under tonnage-deck	1,289.18
Closed-in spaces above the tonnage-deck, if any, viz:	
Space or spaces between decks	.....
Poop	.....
Round-house	.....
Other inclosed spaces, if any, naming them	.....
	1,289.18
Deduct allowance for propelling-power	554.99
Register tonnage	734.19

MEASUREMENTS.

	Feet.
Length from the forepart of the stem under the bowsprit to the aft side of the head of the stern-post	184.6
Main breadth to outside of plank	43.4
Depth in hold from tonnage-deck to ceiling at midships	20.7
Depth in hold from upper deck to ceiling at midships	28

ADDITIONAL PARTICULARS FOR STEAMERS.

Deduction for space required for propelling-power, 554.99 tons.
Length of engine-room, (if measured,) 50.3 feet.
Number of engines, 2.
Combined power, (estimated horse-power,) 300.
Names, residence, and description of the owners, and number of sixty-fourth shares held by each owner:
Henry Alfred Coffey, of 17 Gracechurch street
James Borman, of 127 Leadenhall street
Alexander Calder, of 17 Cannon street west, in the city of London, gentleman
} Joint owners, 64 shares.

Dated 29th October, 1864.
(Signed) G. EVANS, *Registrar.*

References to transactions.	Changes of masters.
7,442, 9|65.	London, 24|12|64. Anthony Moffatt, 43,617.

Stranded near Sherringham about 4th January, 1865, and broken up. Certificate not found. Registry closed 31st December, 1868, per Form 20, received 13th January, 1869.

I hereby certify that the foregoing copy of the register of the ship Amphion, of London, together with the annexed copy of transaction, (one in number, on one sheet,) are true and correct transcripts of the original copies of the register and transaction placed on record in this office.

(Signed) J. J. MAYO,
Registrar-General.

GENERAL REGISTER AND RECORD OFFICE OF SHIPPING AND SEAMEN,
Adelaide Place, London Bridge, 15th November, 1871.

[573]

*AJAX AND HERCULES.

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No. 1.

Mr. Baring to the Mr. Hammond.

WHITEHALL, *January* 21, 1865. (Received January 23.)

SIR: I am directed by Secretary Sir George Grey to transmit to you herewith copies of a letter from the Irish government, and of the reports therein referred to, relating to the steamer Ajax, now lying in Kingstown Harbor, and to request that you will lay the same before Earl Russell for his lordship's information.

AJAX AND HERCULES.—Correspondence.

I am, &c.,
(Signed) T. G. BARING.

[Inclosure 1 in No. 1.]

Major-General Larcom to Mr. Waddington.

[Immediate.]

DUBLIN CASTLE, *January* 19, 1865.

SIR: I transmit herewith, by direction of the lord lieutenant, for the information of Secretary Sir George Grey, copy of a report which has been received from the commissioners of metropolitan police relating to the steamer Ajax, now lying in Kingstown Harbor.

I also inclose copy of a letter which has been received from Mr. Gardner, collector of customs at Dublin, and of its inclosure upon the same subject, and I am desired to add that the papers having been laid before the law-adviser of the government, he has given the following opinion thereon:

"I see nothing in this statement to warrant any steps being taken by the executive in relation to the vessel referred to."

I have, &c.,
(Signed) THOMAS LARCOM.

[Inclosure 2 in No. 1.]

Mr. W. Gardner to Major-General Larcom.

CUSTOM-HOUSE, *Dublin, January* 19, 1865.

SIR: I beg to acknowledge the receipt of your letter of this day's date, relative to the steam-vessel Ajax, now in Kingstown Harbor.

My attention had previously been called to two vessels by the coast-guard authorities, and I yesterday sent some of my officers to inspect the vessel, and I inclose for your consideration the report.

It is true that the engines are low down in the water, but the boilers, the most dangerous part, are exposed, and the vessel is not fitted with any bolts or other means for securing guns, and from the description given to me I do not consider her in any way fit for a gun-boat. She is a British-registered vessel, and the master states that he is bound to a British possession. It is quite possible she may be intended for a blockade-runner.

I have had no complaint made to me by the American consul, and in the absence [576] of any proof that she has guns or other warlike material concealed on *board,

I doubt my power to interfere in the matter unless his excellency the lord lieutenant thinks fit to direct me so to do.

I have, &c.,
(Signed) W. P. GARDNER.

P. S.—I inclose the police reports. W. P. G.

[Inclosure 3 in No. 1.]

Mr. ——— to Mr. W. Gardner.

SURVEYOR'S OFFICE, *January* 19, 1865.

SIR: In obedience to your orders I proceeded to Kingstown Harbor yesterday, the 18th instant, accompanied by Mr. Taylor, examining officer and ship-measurer of the port, in order to inspect the steamship Ajax, Adams, master, from Glasgow to Nassau, in ballast, in consequence of a suspicion that she was intended for war services in the confederate service. We found her bulwarks low, formed of single $\frac{5}{8}$-inch iron plates, and in no respect prepared, so far as we could see, as a war-vessel. She has a double propeller, and her machinery placed low. We rummaged her different compartments, and found nothing but coals as far as we could go. She had no space for cargo except under cabin decks; her forecastle and fore-cabin were fitted with sixty-four berths, and her cabin fitted up similar to a passenger-vessel with sleeping apartments. We saw no preparations for the fitting up and security of guns, and in our opinion her forecastle deck would require strengthening and other alterations before she could be used as a gun-boat.

We found her clearance papers and register all correct, and her owner appears to be Mr. Peter Denny, of Dumbarton.

	Feet.
Tonnage, per register	202
Length	70
Breadth	$25\frac{6}{10}$
Depth	11

[Inclosure 4 in No. 1.]

Police report.

SUPERINTENDENT'S OFFICE, F DIVISION,
January 18, 1865.

SIR: I beg to report, for the information of the commissioners, that on this day, at Kingstown police-court, a summons was heard before G. Wyse, esq., the presiding magistrate, on the complaint of G. W. Adam, master of the steamer Ajax, lying in Kingstown Harbor, where she arrived from Greenock on Sunday morning last, on her first voyage, (being an entirely new ship,) in ballast, from the last-named port to Nassau, for refusing to do their duty on board on the 16th instant, against fifteen of the crew. The defense was that the vessel was not seaworthy, but that was entirely negatived by the evidence of Captain Hutchinson, harbor-master, and Captain Carpenter, who proved that they had made an examination and believed the vessel to be perfectly seaworthy, and would have no objection to go in her themselves. When the sailors found the first defense upset by this testimony, one of them, who appeared as spokesman for the rest, stated that the real reason for disobedience was that she is a confederate gun-boat.

This man, whose name was Robert Browne, was committed to prison for a month, and the others cautioned to return to their duty on board. Some six or seven have returned, but the remainder have not yet, and it is possible they will be arrested if they can be discovered by the captain.

While the foregoing was being written, two men, named Thomas Barnes and Duncan Morrison, were charged and brought before the magistrate, who committed them to prison for six weeks. I conversed with the three prisoners about this vessel, and they say that she was built by W. Denny & Co., of Dumbarton, which port they left on Friday last at half past 2 o'clock, and went to Greenock, where they only remained, as they express it, "at the Tail of the Bank" for a few hours, and left in the night.

[577] Before leaving Dumbarton, several cases were brought along*side, and they suspect that these contained war-material, but they are not sure whether they were put on board or not, yet they believe so. The vessel has three decks, they state, and sixty-four berths before the funnel, all for males; her boilers and engines are under

water-mark, and she has two safety-valves, one of them a secret one, to let off steam. She is not constructed for cargo, but altogether for war-purposes. They also state that a man named Lowe, whom they know to be a "southern man," is to take command of this vessel from Captain Adam, and they say that he is in Kingstown and changes his clothes two or three times a day.

The foregoing is the substance of what I learned from the three men above named, and as it is of great importance if true, I have felt it my duty to forward this report with all the expedition possible under the circumstances.

(Signed) W. L. ARMSTRONG,
Superintendent.

No. 2.

Mr. Arbuthnot to Mr. Hammond.

TREASURY CHAMBERS,
January 24, 1865. (Received January 24.)

SIR: I am desired by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, copy of a letter from the commissioners of customs, dated the 21st instant, together with copies of its inclosures, respecting the Ajax, a vessel supposed to be fitting for the service of the Confederate States.

I am, &c.,
(Signed) G. ARBUTHNOT.

[Inclosure 1 in No. 2.]

Mr. F. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *January* 21, 1865.

SIR: I am directed to transmit to you, for the information of the lords commissioners of Her Majesty's treasury, the accompanying copies of a report of the collector of this revenue at Dublin, and of its inclosure, relative to the steam-vessel Ajax, to which some suspicion attached that she was intended for a confederate gun-boat.

I am, &c.,
(Signed) F. G. GARDNER.

[Inclosure 2 in No. 2.]

Mr. W. Gardner to the commissioners of customs.

CUSTOM-HOUSE, *Dublin*, *February* 20, 1865.

HONORABLE SIRS: I beg to transmit the inclosed letter from Major-General Sir Thomas Larcom, relative to the steam-vessel Ajax, now in the Kingstown Harbor, to which vessel some suspicion attaches that she is intended for a confederate gun-boat. On receipt of the letter I called on General Larcom, and reported to him, for the information of the lord lieutenant, that the arrival of the vessel had been reported to me by the coast-guard authorities, and that I had the day before dispatched some of the officers to Kingstown, to inspect the vessel, and to report to me their opinion as to what she was really intended for. The conclusion the officers came to was this: that it was possible that the vessel might be intended for a blockade-runner, but she had neither strength nor fittings for guns, nor was she in any way adapted for warlike purposes. She was in ballast from the Clyde, bound to Nassau, with a British register. I therefore informed General Larcom that, in the absence of any proof that the vessel was intended for a gun-boat, and as the American consul had made no complaint to me, I could not detain the vessel unless directed to do so by the lord-lieutenant. General Larcom quite agreed with me, and will report so to the foreign office.

(Signed) W. P. GARDNER,
Collector.

[578] *[Inclosure 3 in No. 2.]

Major-General Larcom to Mr. W. Gardner.

DUBLIN CASTLE, *January* 19, 1865.

SIR: I transmit herewith, by directions of the lord-lieutenant, a report which has been received from the commissioners of metropolitan police, relating to the steamer Ajax, now lying in Kingstown Harbor; and I am desired to request that you will state, for his excellency's information, whether you have intelligence of the subject of the steamer referred to, supposed to be a confederate gun-boat. I am also directed to state that it has been suggested that she is a blockade-runner.

His excellency is desirous of receiving an immediate report from you upon the foregoing subject; you will also please to return the inclosures.

I am, &c.,
(Signed) THOMAS LARCOM.

No. 3.

Mr. Baring to Mr. Hammond.

WHITEHALL, *January* 25, 1865. (Received January 26.)

SIR: Referring to my letter of the 21st instant, relating to a steam-vessel called the Ajax, then lying in Kingstown Harbor, I am directed by Secretary Sir George Grey to transmit to you herewith, as received from the Irish government, copies of a letter from the inspectors-general of prisons in Ireland, and its inclosure from the consul for the United States at Dublin, respecting an application made by the consul for permission to take the deposition of a seaman confined in Kilmainham prison, in reference to the vessel in question, together with a copy of the reply given by the lord-lieutenant to the inspectors-general of prisons; and I am to request that you will submit the same for the information of Earl Russell, and at the same time acquaint his lordship that the Ajax has now sailed from Kingston.

I am, &c.,
(Signed) T. G. BARING.

[Inclosure 1 in No. 3.]

Messrs. Cannellan and Lonlayne to Major-General Larcom.

OFFICE OF INSPECTORS-GENERAL OF PRISONS, DUBLIN CASTLE,
January 21, 1864.

SIR: We have the honor to transmit the accompanying letter which was placed in our hands by the consul of the United States of America.

The inspectors-general are not invested by the prisons acts or by the laws of Kilmainham jail with the power of admitting visitors to prisoners, nor does it appear to us that the executive possesses such power.

We therefore transmit the by-laws, and beg to call your attention to the rules affecting visitors to prisons, (page 25,) and request that we may be advised as instructed in the matter.

We have, &c.,
(Signed) HENRY CANNELLAN,
JOHN LONLAYNE,
Inspectors-General of Prisons.

[Inclosure 2 in No. 3.]

Mr. West to Messrs. Cannellan and Lonlayne.

UNITED STATES CONSULATE,
Dublin, January 21, 1865.

SIR: The governor of Kilmainham having refused me permission to see a seaman named Brown, whose deposition I wanted to take in reference to the propeller [579] *Ajax, he being committed to prison for refusing to do his duty and proceed in said ship of which, he was a seaman, I ask the favor on behalf of my Government and by direction of our minister at London, having reason to suppose that the Ajax has been built for war purposes and carries contraband of war.

I have, &c.,
(Signed) WM. B. WEST,
United States Consul.

[Inclosure 3 in No. 3.]

Major-General Larcom to Messrs. Cannellan and Lonlayne.

DUBLIN CASTLE, *January* 23, 1865.

GENTLEMEN: I am directed by the lord lieutenant to acknowledge the receipt of your letter of the 21st instant, with its inclosure from the consul of the United States of America, requesting permission to visit a seaman in Kilmainham prison; and I am desired to acquaint you that his excellency does not find any sufficient ground to induce him to give any special directions to the governor of Kilmainham prison upon the matter referred to, even if it were clear that such power is legally vested in the executive. I am further directed to state that a report from the officers of customs has been furnished to his excellency, from which it appears that the vessel referred to has not been built for war purposes.

I am, &c.,
(Signed) THOMAS LARCOM.

No. 4.

The law-officers of the Crown to Earl Russell.

LINCOLN'S INN, *January* 28, 1865. (Received January 28.)

MY LORD: We are honored with your lordship's commands signified in Mr. Hammond's letter of the 26th instant, stating that he was directed to transmit to us two letters and their inclosures from the home office, relative to a steam-vessel named the Ajax, then at Kingstown and supposed to be intended for the confederate service; and to request that we would take these papers into consideration, and furnish your lordship at our early convenience with our opinion whether this vessel can be detained either at Kingstown or at Nassau, the alleged port of her destination.

In obedience to your lordship's commands we have taken these papers into consideration, and have the honor to report:

That the statements made by the men who were summoned before the magistrate at Kingstown, as reported in the letter of Superintendent Armstrong of the 18th January, 1865, do not seem to amount to any legal evidence of the matters alleged by them; but they certainly appear to us to be calculated to excite suspicion, and would (if the ship had remained in British waters) have justified further inquiry. The conclusion, however, of the government surveyors, who on the same day examined the vessel, appears to have been, that she was not properly fitted out for a ship of war or gun-boat; their report was accepted as satisfactory by the collector of customs at Dublin; and the law-adviser

of the lord-lieutenant considered that there was nothing to warrant any steps being taken by the executive in the matter. In this opinion we concur, there being, in fact, no evidence, either of an illegal destination of the Ajax for the war service of the confederates, or of any equipment, &c., within this realm, with a view to that service.

The ship having now sailed, all that can be done is to report the circumstances connected with her to the governor of the Bahamas, in order that she may be observed on her arrival there; and that, if she should there receive any warlike equipments, (and if there should be sufficient reason to believe those equipments to be for the service of the Confederate States,) such proper measures may be taken as to the governor and his legal advisers may seem necessary.

We have, &c.,
(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

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[580] *No. 5.

Mr. Hammond to Sir F. Rogers.

FOREIGN OFFICE, *February* 3, 1865.

SIR: I am directed by Earl Russell to transmit to you, to be laid before Mr. Secretary Cardwell, copies of two letters and their inclosures from the home office,[1] respecting the Ajax, a vessel alleged to be intended for the confederate service, together with a copy of a report of the law-officers of the Crown, suggesting that the governor of the Bahamas should be instructed to cause this vessel to be watched on her arrival at Nassau; and I am to request that you will move Mr. Cardwell to instruct the governor in this matter in the manner recommended by the law-officers.

I am, &c.,
(Signed) E. HAMMOND.

No. 6.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, February 7, 1865. (Received February 8—1 p. m.)

MY LORD: I have the honor to submit to your consideration copies of two letters addressed to me by Mr. Dudley, the consul of the United States at Liverpool, touching the building and outfit of a vessel called the Hercules, at Dumbarton, for the purpose of carrying on war against the people of the United States. The history of the Ajax is well known to me from the fact of her accidental detention at Kingstown, in Ireland, on her departure outward, by reason of the refusal of some of the men to sail in her, because they had been deceived as to her true character. Yet, instead of inquiring into the truth of the allegation, it ap-

[1] Nos. 1 and 3.

pears that the authorities at Kingstown proceeeded to punish the men as mutineers.

I likewise have the honor to transmit a copy of an advertisement, taken from the Liverpool Daily Post, of the 1st instant, going to show that the crew of the vessel formerly known as the Alabama, being all of them British subjects, enlisted in violation of law, on a voyage of hostility to the United States, are openly paid their wages by agents of the insurgents in a British port, just as if they had been embarked in a common undertaking fully recognized by all the British authorities.

It is not without great pain that I am constrained to admit the impression that Her Majesty's government seem to be almost without the power to restain the commission of this systematic abuse of the law of neutrality within her territories. I regret it the more that it seems to be gradually fixing in the minds of my countrymen a conviction that there is little reciprocal force in treaty obligations, and hence that it is expedient for them to be released, as far as possible, from those into which their Government has heretofore cheerfully entered with Great Britain. I trust I need not say to your lordship that this state of things is regarded by me as most unfavorable to the best interests of both nations, which would, in my view, dictate a rather close approximation than any alienation. Not having had any reason to doubt the favorable disposition of Her Majesty's government, I still cherish the hope that some additional means may be devised to correct the evils complained of, and to restore that confidence in reciprocity of friendly action which is the only stable foundation of all international relations of amity throughout the world.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

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[581] * [Inclosure 1 in No. 6.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, February 2, 1865.

SIR: A steamer called the Hercules, now fitting out on the Clyde, and which I understand is a sister steamer to the Ajax, that recently sailed from the same river, and built and owned by the same parties, I think, from what I learn, is intended for the rebels, and has been built for that express purpose. I understand they are fitting her out as rapidly as possible, and that she will be ready for sea in about eight days.

I am entirely satisfied that the steamer Ajax, above referred to, is to be used as a gun-boat to make war against the United States, and was built and fitted out for that purpose.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

[Inclosure 2 in No. 6.]

Mr. Dudley to Mr. Adams.

GLASGOW, *February* 4, 1865.

SIR: Referring to my dispatch of the 2d instant, and the steamer Hercules, which was supposed to be intended for a confederate gun-boat, I have now to report that this steamer was built by P. Denny, of Dumbarton, and is said or pretended to be for McCleese and Knott, I believe, of Glasgow, but, as I am informed and believe, for the so-called confederate government in the Southern States of America, now in rebellion against the United States. She is at present at Dumbarton, on the Clyde, very nearly completed, is to have a trial-trip on Wednesday next, has 300 tons of coals

on board, and is to sail in a very few days. She is a double-screw boat, of 220 tons register and 500 tons burden, with two engines, combining 150 horse-power nominal; the hull 170 feet long, 25 feet beam, and 11½ feet depth of hold, drawing about 8 feet of water, one funnel, two masts, the fore one brig-rigged, the last schooner-rigged, and the decks flush fore and aft. The timbers are of angle-iron, heavy and very close, so as to give her great strength, plated over with iron plates, and two inches of cement in thickness on the inside and four inches of wood on the inside of the cement, making a thickness of six inches, independent of the iron plates. The deck beams are strong enough to hold guns of any size. From her build and the material used and the manner it is put together, it would be difficult to make any vessel of her size stronger than she is. The bulwarks are made purposely low, like those on the steamer Alexandra, built at Liverpool, so the pivot-guns and swivels can be fixed over them. The hull is divided into three water-tight compartments, the forecastle is fitted up with twenty-two berths, and a mess-table for this number, constructed to screw up like those used on ships of war. The space in what is called between-decks, or, more properly, in the middle compartment, is fitted up with thirty-two berths, with a like mess-table for their accommodation; then follows the engine-room and accommodation for the engineers, and then the after-cabin, which has ten state-rooms, five on each side, for the officers. There is hatchway for taking in cargo, or space in the vessels for stowing anything but her coals, provisions, and ammunition for her cruise. She is to carry two pivot-guns and one or more swivels.

No preparations, so far as can be seen, (except the space left,) are made for mounting the guns; it is not probable that this will be done in port, but like her sister ship the Ajax, built by the same party, will clear and sail as a merchant-vessel, as was also done in the case of the pirates Alabama, Georgia, Oreto, and Sea-King, and then, as in the other cases, mount the guns and take in her ammunition and supplies from some other English vessel, and enter upon her cruise of devastation and destruction. They have put up as a blind, across the hinder part of the steamer, a temporary wooden tow-rail, to pass her off to casual observers as a tug-boat. The foreman in the yard, by
[582] name of Leslie, a brother-in-law to the *builder, says he does not know for what purpose she is to be used or where she is to go. From the above description you will perceive that she is built for war purposes, and nothing else. My information from private and confidential sources is that she is for the confederates, and to be used as a privateer to burn and destroy our commerce and to make war against the Government of the United States, of which I have not myself the least doubt. To show the peculiar form, power, and construction of the vessel abundant testimony can be obtained; but of the intentions of the parties in building her, and the purpose for which she is to be used, I have no positive evidence but from confidential sources, and I suppose none can be obtained short of the parties who are building and fitting her out, and I have no power to compel or make them testify.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

[Inclosure 3 in No. 6.]

Advertisement cut from the Daily Post of Liverpool of February 1, 1865.

LATE CONFEDERATE SCREW-STEAMER ALABAMA.—On and after the 1st February next, £10 will be paid to each of the crew of the late confederate screw-steamer Alabama (who were on board at the time of her loss) as compensation for their bags lost in that ship. The money will be paid on application to Richard Taylor at the office of M. P. Robinson, esq., Rumford Court, Liverpool, between the hours of 12 meridian and 2 p. m. Men must produce their discharges, and administrators of deceased men must bring their certificate of administration.

LIVERPOOL, *January* 27, 1865.

No. 7.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *February* 8, 1865.

SIR: I have received your letter dated the 7th instant and delivered at the foreign office at a late hour yesterday evening, after the close of

business; but not being marked immediate it did not come under the notice of the under-secretary of state until 1 p. m. to-day.

The matter shall be immediately attended to, but in the mean time I wish to call your attention to the dates of the letters which you inclose. The first letter of the United States consul at Liverpool is dated the 2d instant, and affirms that a steamer named the Hercules is fitting out in the Clyde for the confederate service, and that this vessel is to be ready for sea in eight days. The second letter which you transmit to me is dated Glasgow, the 4th instant, and contains further information respecting this vessel, and states, moreover, that the trial-trip is to take place to-day.

In a former instance I was able, by means of the lord advocate, to prosecute the owners of a vessel building in the Clyde, and to get a verdict entered by consent, which defeated the purpose of the confederate agent. But these operations are very quick, and unless I have timely notice I can have but little hopes of stopping these transactions.

I am, &c.,
(Signed) RUSSELL.

No. 8.

Mr. Hammond to Mr. Hamilton.[1]

FOREIGN OFFICE, *February* 8, 1865.

SIR: I am directed by Earl Russell to transmit to you the accompanying copies of a letter from Mr. Adams and its inclosures,[2] respect-
[583] ing certain alleged infringements of the neutrality* of Her Majesty's dominions, as shown in the case of a vessel called the Hercules, fitted out at Dumbarton, and in a statement which has appeared in the Liverpool Daily Post as to the payment of certain of the crew of the Alabama in British ports; and I am to request that, in laying the same before the lords commissioners of Her Majesty's treasury, you will move them to take such steps in the matter as can legally be adopted.

A similar letter has been addressed to the home department.

I am, &c.,
(Signed) E. HAMMOND.

No. 9.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, February 9, 1865. (Received February 9—1 p. m.,

MY LORD: I lose no time in transmitting to you copies of two depositions which have this moment come to hand, touching the outfit of the two vessels from Glasgow, called the Ajax and the Hercules. I have strong reasons for the belief that the first vessel is already cruising on the ocean as a privateer, and the other is about to follow her immediately. I scarcely deem it necessary to call your lordship's attention to the deposition of John Melley as justifying the refusal to proceed on the

[1] A similar letter was addressed to the home office. [2] No. 6.

voyage by the seamen in the examination at Kingstown, notwithstanding which they were punished by the authorities as having committed an offense.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 9.]

Deposition of John Melley.

I, John Melley, of Glasgow, seaman, being duly sworn, doth depose and say: In the month of January last past, being in want of a ship, saw Captain Adams, of the steamer Ajax, at the Sailors' Home, in Glasgow. He told me she was a tug or tow-boat going to Nassau, and that he would like me to go. I signed the articles for a voyage to Nassau for £3 10*s.* per month. Two days afterward, on a Friday, I went on board of her lying at anchor about two miles from Greenock, the Tail of the Bank. She sailed the same night about 12 or 1 o'clock. We arrived at Kingstown, Ireland, the next Sunday morning. I left the vessel at Kingstown, and returned to Glasgow. Captain Adams was in command. The crew consisted of eight sailors, twelve firemen, and three engineers. There was one person on board who was formerly the captain of the confederate steamer Fingal, who was to have command of the Ajax as soon as Captain Adams left. I discovered as soon as I got on board of her and before she sailed that she was intended for a war-vessel; she was fitted up for one in every particular. In the forepart of the vessel there were eighty-four berths fitted up for the accommodation of the men; there were also mess-tables for the same number of men, arranged so as to screw up the same as on a war-vessel. I have served on board of a war-vessel, and know something of their construction. I saw two gun-breeches on board; there were five buckets also. The next morning after we sailed, I went to the captain and told him I was not going to be shanghied; he replied that I was not going to be shanghied. I told him that this vessel, the Ajax, was a southern privateer, and that I believed she had guns and ammunition on board; he would hardly give me any satisfaction, but said it was not so. I told him the captain of the Fingal was on board to take charge of her. He made no reply to this, except that he himself was captain now. The captain of the Fingal kept himself concealed as much as he could; he is a southern man. After we got into Kingstown we got on the rocks. I told the captain I would not go on the vessel on account of her being a southern privateer. He denied this. I told him she had guns and ammunition on board. He could not or did not deny this. I told him that if he did not let me go on shore and leave the vessel that I would [584] make a complaint to the *American consul and to a magistrate, and have the vessel seized on the ground of her being a confederate privateer. He then agreed that I might leave her and return back to Glasgow, which I did. I have not the least doubt about her, the Ajax, being a war-vessel for the confederates in America. All the men on board were satisfied that she was a privateer, and to be used for no other purpose. At the time I signed the articles I received from Captain Adams an advance note for £3 10*s.*, payable by Patrick Henderson & Co., of Glasgow, ten days after the ship sailed. I knew the captain of the Fingal; saw him when in command of her at Savannah, Georgia.

(Signed) JOHN MELLEY.

Sworn and subscribed at Glasgow, before me, this 6th day of February, 1865.
(Signed) A. GALBRAITH, *J. P.*

[Inclosure 2 in No. 9.]

Seamen's advance note.

GLASGOW, *January* 9, 1865.

Ten days after the departure of the ship Ajax, from the last port or place in the river or Firth of Clyde, in which, from any cause, she may be, before finally leaving for the voyage for which this note is issued, pay to the order of John Melley the sum of £3 10*s.*, being an advance of wages, provided the said seaman sails and continues on board of the vessel, and has previously, and during that period, been duly earning his wages, in terms of the articles of agreement.

(Signed) GEORGE MCADAM, *Master.*

£3 10*s.*

To Messrs. P. HENDERSON & CO.,
West street, Vincent Place.

[Inclosure 3 in No. 9.]

Deposition of George Smith.

I, George Smith, of Dumbarton, iron-ship builder, being duly sworn, doth depose and say: I work in the ship-yard of P. Denny, Dumbarton, and have worked there since the month of August last past. I worked on two steamers built by Mr. Denny, one called the Ajax, which sailed for Nassau some days ago, and on the Hercules, which is still at Dumbarton, and now nearly ready for sea. They are sister ships, are known in the yard as the twin screws, and built off of the same model. I am well acquainted with their construction, and everything about them. The frames are of angle-iron, very strong—stronger than I ever saw in vessels of their size. This frame-work is covered with iron plates strongly and securely riveted to the frame-work; the inside has cement two inches thick, and then on the inside of the cement a wood lining four inches in thickness. The cement does not come up to water-mark, but the wood lining comes up above this. The beams that support the upper deck are very close and strong for vessels of this size—strong enough to support guns of almost any size. The hull is in three water-tight compartments. The forecastle is fitted up with twenty-two berths, and a mess-table for this number of men, made so as to screw up to the ceiling. The middle compartment is fitted up with twenty-six berths, some of them large enough to hold two persons, with a similar mess-table large enough to accommodate this number of persons, made to screw up to the ceiling. The after cabin is fitted up with twelve separate state-rooms. The bulwarks are low; a pivot-gun could be fired right over them. The decks of the vessel are flush fore and aft. There is space on each vessel near midships where pivot-guns can be placed; there are also two port-holes cut on each side of the vessels, making four port-holes on each vessel, but so cut and concealed that they would not be observed by a casual inspection; they have hinges, and are secured with bolts on the inside, and can be opened and used at any time. These port-holes are suitable for guns. I put on the hinges for those on the Hercules, this very day. You cannot see them, the port-
[585] holes, from the *outside. From the best of my judgment these port-holes are for guns; I cannot see that they can be used for any other purpose. Each steamer has one funnel and two masts. The fore masts are brig-rigged, the hind mast schooner-rigged; they are to carry very large sails. The screws are double, and driven by two engines. The boilers and engines are so constructed as to be protected from shot or shell by the coal-bunkers. There is an apartment under the fore-peak all iron, suitable for storing powder, and which has the appearance of a magazine, and suitable for that purpose. From the material used in the construction of the Ajax and Hercules, the strong manner they are built, and the peculiar construction and fittings, I should say that they are both adapted and have the appearance of being for war purposes—what are called and generally known as gun-boats—and in my opinion are intended for gun-boats, and for war purposes. The general opinion of all the people, workmen in the yard, is that they are for war purposes, and they are called gun-boats by them. This is the general appellation by which they were known in the yard. It is not known for whom they are built by the men, but they suppose and think for the confederates in America.

(Signed) GEORGE SMITH.

Sworn and subscribed to before me this 6th day of February, 1865.

(Signed) WM. W. WATSON,

One of Her Majesty's Justices of the Peace for the County of Lanark.

No. 10.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *February* 9, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, inclosing copies of two depositions respecting the outfit of the two vessels from Glasgow called the Ajax and the Hercules; and I have to state to you that I have lost no time in communicating copies of these papers to the proper departments of Her Majesty's government.

I am, &c.,

(Signed) RUSSELL.

No. 11.

Mr. Hammond to Mr. Hamilton.[1]

[Immediate.]

FOREIGN OFFICE, *February* 9, 1865.

SIR: With reference to my letter of yesterday, I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of Her Majesty's treasury, copies of a further letter and its inclosures, from Mr. Adams, relative to the cases of the vessels Ajax and Hercules.[2]

I am, &c.,

(Signed) E. HAMMOND.

No. 12.

Mr. Hammond to Mr. Waddington.

FOREIGN OFFICE, *February* 9, 1865.

SIR: With reference to my other letter of this day's date, in which I transmitted copies of a letter from Mr. Adams, and its inclosures, relative to the cases of the Ajax and Hercules, I am now directed by Earl Russell to request that you will move Secretary Sir G. Grey to
[586] cause copies of the depositions to be forwarded *to the lord-lieutenant of Ireland and to the lord-advocate of Scotland, with a view to inquiries being instituted with regard to those vessels.

I am, &c.,

(Signed) E. HAMMOND.

No. 13.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *February* 9, 1865. (Received February 9.)

SIR: I have laid before Secretary Sir George Grey your letters of the 8th and 9th instant, and their inclosures, from the American minister at this court, respecting certain alleged infringements of the neutrality of Her Majesty's dominions; and I am to acquaint you, for the information of Earl Russell, that the lord-advocate has been requested to cause inquiry to be made as to the ship Hercules.

I am, &c.,

(Signed) H. WADDINGTON.

No. 14.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *February* 17, 1865. (Received February 18.)

SIR: With reference to my letter of the 9th instant, I am directed by Secretary Sir George Grey to translate to you, for the information of

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[1] A similar letter was addressed to the home office.

[2] No. 9.

Earl Russell, copies of a letter from the lord-advocate and of its inclosures, stating the result of the inquiries which have been made respecting the vessels called the Ajax and the Hercules.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure 1 in No. 14.]

Sir J. Moncrieff to Mr. Waddington.

EDINBURGH, *February* 15, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, with its inclosures. On receipt of it I immediately directed the Crown agent to communicate with the procurator-general of Dumbartonshire, and Mr. Trevor, the collector of customs on the Clyde, and I have now the honor to transmit, for the information of Secretary Sir George Grey, the result of the inquiries which were made under these directions.

It appears from Mr. Trevor's report that the suspicions attached to the vessel are entirely without foundation, and it will be observed that Mr. Trevor is of opinion that the deposition of Smith, of which I thought it right to send him a copy, is willfully false. The procurator-fiscal also says that he does not find the name of Mr. Watson, before whom the affidavit is said to have been sworn, in the list of the justices of the peace for Lanarkshire.

In an ordinary case I should have thought it right to have investigated this affidavit further, with a view to criminal proceedings against Smith, should there ultimately have appeared to be ground for them; but I thought it better in the present instance to make this report, the documents having been placed in my hands for specific inquiry.

I have, &c.,
(Signed) J. MONCRIEFF.

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[587] *[Inclosure 2 in No. 14.]

Mr. Mitchell to Mr. Murray.

PROCURATOR-FISCAL'S OFFICE,
Dumbarton, February 13, 1865.

SIR: I am in receipt of your letter of the 11th instant, with copy of deposition of George Smith, and I have made inquiry and find that the ship in question is at present lying in the harbor here, and that she is apparently ready for sea. But Mr. Trevor has been down to-day, and has made an examination of the interior of the vessel, and he tells me that Smith's description of the construction and fittings is entirely false, and that the vessel is not at all suitable for a gun-boat or other vessel of war.

Mr. Trevor has telegraphed to you accordingly, and he will write with particulars. I do not find the name of John Watson in the list of justices of the peace for Lanarkshire.

I am, &c.,
(Signed) A. MITCHELL, *P. F.*

[Inclosure 3 in No. 14.]

Mr. Trevor to Mr. Murray.

CUSTOM-HOUSE, *Glasgow, February* 14, 1865.

SIR: On the receipt yesterday of your letter of the 11th instant, transmitting copy of a declaration of George Smith, relative to the steamer Hercules, built at Dumbarton by Mr. P. Denny, I immediately proceeded to Dumbarton, taking with me my principal surveyor, and the examining officer, who had previously measured for registry that vessel, as also the other steamer referred to, the Ajax.

The declaration of Smith is, in all its essential parts, false.

The vessel is not strengthened in any way for warlike purposes. There are four ports, 13 by 17 inches, which are intended to let the water off the decks, and cannot be used as gun-ports, being nearly flush with the deck. The machinery is below the water-line, which is very common, but the boilers, steam-chest, and steam-pipes, rise high above deck, and are not in any way protected. There are no coal-bunkers on either

side of engines or boilers, and the boilers at the water-line are 2 feet 2 inches only from the skin of the vessel. The coal-bunker is what is termed a cross-bunker before the boilers. The only closed-in space in the fore-hold is a water-tank of iron, fitted with pipes, and having no entrance but an ordinary man-hole, consequently unfitted for a magazine. There is no wood lining, except the ordinary ceiling and cabin lining. She is fitted for a tug-boat, and Mr. Denny not being at home I could not learn her destination.

This vessel is not an ordinary merchant vessel, having no hold for cargo, and is fitted with a cabin aft, containing seven state-rooms (five with double beds and two single) and a fore cabin with twenty-six berths, plainly fitted up with mess-tables, lifting up to the deck. There is no accommodation for crew on deck. I am not aware that shipbuilders are required to state the purpose for which a vessel is to be applied; and the only precaution we can exercise is to see that she is not fitted for warlike purposes, which this vessel is not, and her speed, I am told, does not exceed 11 knots.

The sister ship, the Ajax, is registered in the name of Peter Denny, sole owner, and is similar to the Hercules, except that she had no water ports, the latter being a suggestion of the captain of the Ajax, from the experience that his vessel shipped more water than the usual scuppers would carry off.

Mr. Denny's manager asked me if my information came from a man named Smith, and he explained to me this man had been employed in the yard till October last, when he left, and last month he applied for and obtained work for two days, and he made a similar application this month, when he was employed on the 6th instant and part of the 7th on board the Hercules. He had again left their employment.

[588] * It appears to me this man has made a willfully false declaration, and it is for the consideration of the lord advocate whether he should not be prosecuted for perjury.

I am, &c.,
(Signed) FRED. TREVOR, *Collector.*

No. 15.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *February* 20, 1865. (Received February 21.)

SIR: With reference to your letter of the 9th instant, respecting the vessels Hercules and Ajax, I am directed by Secretary Sir George Grey to acquaint you, for the information of Earl Russell, that Sir George Grey has received a communication from the Irish government stating that no information has been received respecting the Ajax since she left Kingstown on the 21st ultimo.

I am, &c.,
(Signed) H. WADDINGTON.

No. 16.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *February* 24, 1865.

SIR: With reference to my letter of the 9th instant, I have the honor to state to you that I have received from the home department a report respecting the steamer Hercules now building at Dumbarton, from which it appears that the suspicions attached to that vessel are entirely without foundation, and that the deposition of the man Smith is willfully false. I also learn that the name of Mr. Watson, before whom the affidavit is said to have been sworn, is not to be found in the list of the justices of the peace for Lanarkshire.

For your more complete information I inclose a copy of the essential

portions of a report on this matter from the collector of customs at Glasgow.[1]

I am, &c.,
(Signed) RUSSELL.

No. 17.

Mr. Hammond to Mr. Waddington.

FOREIGN OFFICE, *February* 25, 1865.

SIR: I have laid before Earl Russell your letter of the 17th instant, and its inclosures, reporting the result of the inquiries made respecting the vessels Ajax and the Hercules; and, with reference to the lord-advocate's observations respecting the testimony of the man Smith, I am to request that you will submit to Secretary Sir G. Grey the propriety of the lord-advocate being instructed to prosecute the man Smith for perjury.

I am, &c.,
(Signed) E. HAMMOND.

No. 18.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET,
April 15, 1865. (Received April 7.)

SIR: With reference to your letter of the 3d of February, I am directed by Mr. Secretary Cardwell to transmit to you, for the infor-
[589] mation of Earl Russell, the *inclosed copy of a dispatch from the governor of the Bahamas relative to the steamer Ajax, alleged to be intended for the service of the Confederate States.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 18.]

Governor Rawson to Mr. Cardwell.

GOVERNMENT-HOUSE, *Nassau, March* 8, 1865.

SIR: I have the honor to acknowledge the receipt of your confidential dispatch of the 10th ultimo, relative to the suspicions attaching to the steamer Ajax, which is expected to visit this port, and to inclose, for your information, a copy of a letter which I received by the same post from Her Majesty's chargé d'affaires at Washington, inclosing one from the Secretary of State of the United States upon the same subject.

2. The Ajax has not, up to the present time, arrived here, but I have communicated to the receiver-general and inspector of police my instructions that she should be carefully examined and closely watched if she should come here.

3. I take this opportunity of mentioning that for some weeks past I have had a report made to me of every steam-vessel arriving in the harbor, with special notice of anything in the construction or equipment of any which differ from the ordinary blockade-runners, and the officers of customs are on the alert to detect and report any attempts to violate the provisions of the foreign-enlistment act.

I have, &c.,
(Signed) RAWSON W. RAWSON.

P. S.—*March* 11.—The Ajax arrived this morning. Two officers of customs have been placed on board of her.

R. W. R.

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[1] See inclosure 3 in No. 14.

[Inclosure 2 in No. 18.]

Mr. Burnley to Governor Rawson.

WASHINGTON, *February* 16, 1865.

SIR: I have the honor to transmit to your excellency herewith a copy of a note which I have received from the Secretary of State of the United States, relative to the movements of the steamer Ajax, which is supposed to have left Kingstown, Ireland, for the purpose of being used as a vessel of war.

I have, &c.,
(Signed) J. HUME BURNLEY.

[Inclosure 3 in No. 18.]

Mr. Seward to Mr. Burnley.

DEPARTMENT OF STATE, WASHINGTON,
February 14, 1865.

SIR: Information which is fully credited has been received at this department, that the steamer Ajax, which recently sailed from Kingstown, Ireland, has gone out for the purpose of being used as a war-vessel; that although she was not armed, she had 100 hammocks ready to be put up; that her armament has gone, or will go, in some sailing-vessel, to meet her at some concerted point, to be there transferred to her. In order the more effectually to screen her piratical designs, it is understood that she will visit Nassau before taking on board her armament.

In view of these circumstances, I beg leave to suggest to you the expediency of your putting Her Majesty's authorities at Halifax, Bermuda, and Nassau on their guard, to prevent the armament, within their jurisdiction, of this vessel for purposes hostile to the United States.

I have, &c.,
(Signed) W. H. SEWARD.

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[590] *No. 19.

Mr. Elliot to Mr. Hammond.

DOWNING STREET, *April* 19, 1865. (Received April 20.)

SIR: With reference to your letter of the 13th of February, accompanied by a letter from the United States consul in London, relative to some vessels alleged to be fitting out in the port of London as privateers, I am directed by Mr. Secretary Cardwell to transmit to you the inclosed copy of a dispatch from the governor of Bermuda, showing that all proper vigilance has been exercised in that colony, and that no breach or intended breach of the law has been discovered. It does not appear to Mr. Cardwell that any further steps are necessary in the matter.

I am, &c.,
(Signed) T. FRED'K ELLIOT.

[Inclosure in No. 19.]

Lieutenant-governor Hamley to Mr. Cardwell.

[Extract.]

BERMUDA, *March* 15, 1865.

I have the honor to acknowledge the receipt of your dispatch (confidential) of the 18th ultimo, with inclosures, in which you draw my attention to the probable visit to Bermuda of two vessels named respectively the Virginia and the Louisa Ann Fanny, and in which you desire me to have those vessels watched should they come here.

I observe also mention of the City of Richmond, in the letter of Mr. Morse, the United States consul in London.

Further, I beg to acquaint you that, by a communication from Her Majesty's chargé d'affaires at Washington, I am requested to observe another steamer named the Ajax. This dispatch will therefore have reference to all the four vessels above named. The Ajax has not appeared in Bermuda.

No. 20.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *May* 9, 1865. (Received May 10.)

SIR: With reference to my letter of 15th April, I am directed by Mr. Secretary Cardwell to transmit to you, for the information of Earl Russell, copy of a further dispatch from the governor of the Bahamas respecting the steamer Ajax, which had been alleged to be intended for the service of the Confederate States.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure 1 in No. 20.]

Governor Rawson to Mr. Cardwell.

GOVERNMENT-HOUSE, *Nassau, April* 1, 1865.

SIR: In a postscript to my dispatch of the 18th ultimo, I reported that the steamer Ajax, which you had directed me to keep under observation, had just arrived in this port.

2. In pursuance of your instructions, officers of customs were placed on board, and remained there during her stay here. On the 29th ultimo she cleared for Bermuda, in ballast, with a moderate number of seamen and firemen.

3. Nothing suspicious was observed about her while she remained in port; she was thoroughly rummaged, and found to have nothing but coals on board. The only circumstances that attracted attention at the time were the appointment of an officer belonging to the confederate navy to the command of her, and the delivery of [591] letters to that officer, at a late hour of the night, by the master of the Louisa Ann Fanny, as she passed this port, without entering the harbor, on her way back from Havana.

4. But I am informed that the appointment in question was made merely to afford employment to the above officer; that nothing has been done, or attempted, to prepare her for any warlike purpose; that it was never intended so to employ her; and that she was intended and adapted to be employed as a tug, and is actually fitted up with powerful apparatus for that purpose.

5. Notwithstanding my faith in the veracity of my informant, I deemed it expedient to send a communication by her to the acting governor of Bermuda, of which I inclose a copy; and I also wrote about her to Her Majesty's consul-general at Havana. A copy of my letter to that officer is annexed to my dispatch of the 1st instant. I also communicated the result of my observation, and the departure of the vessel, to Her Majesty's chargé d'affairs at Washington, for the information of Mr. Secretary Seward, in a letter of which a copy is annexed in the same dispatch.

I have, &c.,
(Signed) RAWSON W. RAWSON.

[Inclosure 2 in No. 20.]

Governor Rawson to the acting governor of Bermuda.

GOVERNMENT-HOUSE, *Nassau, March* 29, 1865.

SIR: I have just received a notice that the Ajax is about to clear for Bermuda to-day. Having three days ago received the assurance of her owner that nothing wrong was intended with her, I have been at ease with regard to her since then; but his assur-

ance may apply only to proceedings in this port, and attempts may be made at Bermuda to prepare her for some unlawful employment.

2. She had been thoroughly examined here by our customs officers, and nothing found in her; she has had two officers on board since she has been here, and nothing suspicious has been observed or known to have been shipped. Her commander has been changed, and is now a confederate officer; but I am also assured, with regard to him, that it is because the confederate government have at present no active employment for him.

3. My attention to this vessel was drawn by the secretary of state, and by the United States Government, through the legation at Washington. She was overhauled at Kingstown, in Ireland, but no sufficient cause of detention was discovered.

4. She now appears to be intended for a tug. It is suspected that she was intended as a tender to the confederate iron-clad vessel said to be now in a Spanish port, watched by two Federal cruisers.

5. I hope that this will be in time for transmission by the Ajax.

I remain, &c.,
(Signed) RAWSON W. RAWSON.

No. 21.

Mr. Hammond to Sir F. Rogers.

FOREIGN OFFICE, *May* 12, 1865.

SIR: I have laid before Earl Russell your letter of the 9th instant, inclosing a copy of a dispatch from the governor of the Bahamas, reporting the steps he had taken in regard to the steamer Ajax; and, in reply, I am to request that you will state to Mr. Secretary Cardwell that Lord Russell is of opinion that the governor's proceedings in this matter should be approved.

I am, &c.,
(Signed) E. HAMMOND.

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[592] * No. 22.

Mr. Waddington to Mr. Hammond.

WHITEHALL, *June* 19, 1865. (Received June 20.)

SIR: With reference to the previous correspondence respecting the Hercules, I am directed by Secretary Sir George Grey to transmit to you, for the information of Earl Russell, a report by the metropolitan police, of the results of the proceedings in the matter of George *alias* Scorp Smith.

I am, &c.,
(Signed) H. WADDINGTON.

[Inclosure in No. 22.]

Police report.

METROPOLITAN POLICE OFFICE, SCOTLAND YARD,
June 13, 1865.

I beg to report, in reference to the man Smith, alluded to in the attached papers, that on Thursday, the 8th instant, Mr. Hart, the procurator-fiscal of Glasgow, received, in answer to his letter of the 5th instant, a communication from his excellency the American minister, in which Mr. Hart was referred to Mr. Dudley, the American consul at Liverpool, to whom it appears the original affidavit was sent by the American consul at Glasgow. Mr. Hart immediately wrote to Mr. Dudley, requesting him to forward

the affidavit, and on 10th instant he received an answer from that gentleman, stating that he had not possession of the declaration in question, and that if Mr. Adams had not got it, it must have been sent to the United States Government in America. Mr. Hart then said that, without the production of the document in question, no proceedings could be taken; that he would immediately communicate these particulars to the Crown agent at Edinburgh, and that there was no necessity for Mr. Thompson and myself remaining any longer in Glasgow.

I accordingly at once returned to London, and Mr. Thompson to Liverpool.

I also beg to state that Smith's Christian name is George, and not Scorp, as stated in papers.

(Signed) JOHN MULRANY,
Sergeant Detective.
FRED'K WILLIAMSON,
Inspector Detective.

No. 23.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *June* 28, 1865.

SIR: I had the honor, on the 24th of February last, to forward to you a copy of a report from the collector of customs at Glasgow, showing that an affidavit made by George Smith, and of which a copy was inclosed in your letter of the 9th of February, with regard to a vessel called the Hercules, was willfully false.

I have now to acquaint you that I have been informed by Her Majesty's secretary of state for the home department, that, in obedience to instructions which had been given with a view of instituting a prosecution against George Smith for perjury, Mr. Hart, the procurator-fiscal of Glasgow, has applied to Mr. Dudley, the United States consul at Liverpool, to whom he was referred by you for the original affidavit, but that Mr. Dudley states that he has not got it, and that unless it is at the United States legation, it must have been sent to his Government at Washington.

Under these circumstances the proceedings have been arrested, as the production of the original affidavit is necessary for the prosecution of the case.

I am, &c.,
(Signed) RUSSELL.

[593] *VIRGINIA AND LOUISA ANN FANNY.

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No. 1.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, January 30, 1865. (Received January 30.)

VIRGINIA AND LOUISA ANN FANNY.—Correspondence.

MY LORD: I have had the honor to receive your note of the 27th instant,[1] in answer to mine of the 16th, furnishing information of certain operations of the emissaries of the American insurgents within this kingdom.

I have now the honor to transmit a copy of another letter from Mr. Morse, the consul at this place, giving further information on the same subject.

The object of these papers is to furnish cumulative evidence that this kingdom is in point of fact yet made, as it has been heretofore continually made, the base of operations hostile to the people of the United States on the ocean, by the agents and emissaries of the insurgents, in conjunction with British subjects. However skillfully this action may be covered, the fact itself cannot but be regarded by the nation liable to be seriously affected by the results as a practical violation of neutrality, as well as a legitimate cause of complaint.

It is not in the province of a party injured by such a steady and persistent course of aggression to enter into any examination of a suitable policy of prevention, if the proper means are not already in existence. It is sufficient for the present purpose that it should endeavor to place upon record the evidence which goes to justify its painful sense of the wrong that is committed at the hands of a nation with which it is at peace.

Renewing, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 1.]

Mr. Morse to Mr. Adams.

UNITED STATES CONSULATE,
London, January 27, 1865.

SIR: The privateersmen who left the Thames on the City of Richmond went to Cherbourg, France, where they remained on board about one week. I learn from our consular agent at Cherbourg that they are now on board a steamer at Omanville, waiting to be transferred to the corsair on which they are to serve.

The City of Richmond has left the port of Cherbourg, and, as is supposed, proceeded on her voyage to Bermuda, for which island she cleared from the port of London. If the men were intended for service of any kind on the other side would they not have continued their voyage in the City of Richmond, as she is nearly new and in the late storm on the coast proved an excellent staunch sea-boat? I think there is no question

[1] Relating to the case of the Hawk.

about the men being re-engaged for the rebel service, and received £10 advance here before leaving.

It has been said for the last month or more in the councils of confederate agents in Europe, and even by the head of their navy department in Europe—Commodore Barran himself—that they expected to get out two privateers at least by the last of
[596] January or early in February. Possibly the City of Richmond *may be one of them, and may have gone to the place appointed to take on board her armament, crew, &c.

There are two ships or steamers now in this port, of which there are better reasons for suspicions than there were of the Sea King, now the Shenandoah. One is the Virginia, a few days ago the Zealous. She is a sister ship to the City of Richmond. She is nearly new, over 450 net, and said to be a remarkably fine vessel. She went, I learn, to Greenhithe that morning. She has, so far as known to us, nothing but coals in at present, and had not cleared for any port last evening, though her crew signed articles for Bermuda, and there their engagement ends. She will probably leave the river to-morrow, perhaps earlier. The other is a double-screw steamer, just completed by Mr. Dudgeon, the builder of the privateers Tallahassee and Chicamauga. She is now called No. 40, and is entered out for Bermuda. I have seen this steamer, and think she must be not far from 800 tons, and not at all suitable for blockade running—she is too large and draws too much water.

Like the Sea King, any steamer now destined for privateering fits away as a commercial vessel, and there is nothing about her movements before she leaves port, or until within a few hours of her leaving, when she may suddenly change owners, and her master be given authority to sell at a given sum out of British waters, to create any mistrust of the purpose of those who control her here. Under such a mode of operations it is next to impossible for us to get testimony in season, and sufficiently strong to ask for their detention. The only course left me, therefore, is to call your attention to all cases offering any reasonable ground of suspicion, and leave them to be disposed of as you may deem expedient. No. 40 is now in Victoria dock.

I remain, &c.,
(Signed) F. H. MORSE.

P. S.—Since writing the above I have learned that the double-screw, No. 40, has Louisa Ann Fanny on her stern, without stops between the names. She is nine hundred tons, and the men on board, who went on the trial-trip, say she went eighteen miles per hour. This is probably an exaggeration, but no doubt she is very fast.

F. H. M.

No. 2.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *February* 1, 1865.

SIR: I have the honor to acknowledge the receipt of your letter of the 30th ultimo, inclosing a copy of a letter addressed to you by Mr. Morse respecting two vessels, the Virginia and the Louisa Ann Fanny, which are suspected to be intended for the service of the so-styled Confederate States; and I have to inform you that I have referred these papers to the proper department of Her Majesty's government in order that due inquiry may be made in the matter.

I am, &c.,
(Signed) RUSSELL.

No. 3.

Mr. Hammond to Mr. Hamilton.

FOREIGN OFFICE, *February* 1, 1865.

SIR: I am directed by Earl Russell to transmit to you copies of a note and its inclosures from Mr. Adams, respecting two vessels, the

Virginia and the Louisa Ann Fanny, which are suspected to be intended for the service of the so-styled Confederate States ;[1] and I am to request that you will move the lords commissioners of Her Majesty's treasury to make inquiries whether any evidence can be procured against these vessels.

I am, &c.,
(Signed) E. HAMMOND.

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[597] *No. 4.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
February 4, 1865. (Received February 4.)

SIR: With reference to your letter of the 1st instant respecting the vessels the Virginia and Louisa Ann Fanny, which are supposed to be intended for the service of the Confederate States of America, I am directed by the lords commissioners of Her Majesty's treasury to transmit to you herewith, for the information of Earl Russell, a report from the commissioners of customs, with inclosures.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[Inclosure 1 in No. 4.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *February* 4, 1865.

SIR: With reference to your letter of the 2d instant, transmitting a copy of a letter from the foreign office, with inclosures in original, (herewith returned,) respecting two vessels, the Virginia and Louisa Ann Fanny, which are suspected to be intended for the service of the Confederate States of North America, and signifying the desire of the lords commissioners of Her Majesty's treasury that the board would cause inquiry to be made, as requested by Earl Russell, whether any evidence can be procured against these vessels, I am directed to state that the board instructed the comptroller of the outdoor department to make immediate inquiry on the subject, and I am now desired to transmit to you copy of a report made by Mr. Donnan, assistant surveyor of this revenue at the Victoria docks, in regard to the vessel Louisa Ann Fanny, with copy of a report from the comptroller stating that the latter vessel, the Virginia, has not yet been found.

I am to add that the board will not fail to report the result of the further inquiries now making with respect to the latter vessel.

I am, &c.,
(Signed) J. F. GARDNER.

[Inclosure 2 in No. 4.]

Mr. Donnan to Mr. Hunt.

VICTORIA LONDON DOCKS, *February* 4, 1865.

SIR: In accordance with the directions I received yesterday afternoon from the inspector-general, I immediately made inquiries respecting the steam-vessel Louisa Ann Fanny, Pinchin, master, lying in the Victoria docks, and entered outward for Bermuda, and I now beg to report to you the result:

She is 425 $\frac{15}{100}$ tons register; she is schooner-rigged, with three masts; she has twin screw-propellers, and her engines are said to be 280 horse-power; she is 280 feet long,

[1] No. 1.

very shallow, drawing only 12 feet water when loaded; her bottom is very flat, and no doubt, whether under steam or canvas, she is a very fast sailer; she is built of §-inch plate, with light angle-iron ribs and supports, and is, in my opinion, only adapted for the ordinary purposes of commerce.

From the peculiarity of her build, she would no doubt carry more than double the quantity at which she is registered. She is the property of London owners, and Mr. R. Newman, of Harp Lane, is the broker; she had on board the articles named on the annexed sheet, besides about 400 tons of coal, and I am informed she will carry a further supply of the latter material; she carries a crew of sixty-five men,[1] including seamen, stokers, engineers, and officers, which I do not consider too many for such a vessel on a foreign voyage; she will ship her crew to-day, and leave London some
[598] day next week; she has no guns on board, nor any munitions of war, *nor is she strong enough to carry any guns, or other heavy ordnance for offense or defense, so that she is not calculated for privateering or other war purposes.

I am, &c.,
(Signed) JOHN DONNAN,
Assistant Surveyor.

HONORABLE SIRS: I beg to forward a report from the surveyor at Victoria docks respecting the Louisa Ann Fanny, and have to state that at present the other vessel alluded to has not been found, but that careful inquiry is being made for her.

(Signed) CHARLES HUNT.
FEBRUARY 4, 1865.

[Inclosure 3 in No. 4.]

Cargo shipped on board the Louisa Ann Fanny, Pinchin, master, for Bermuda.

2 cases steel tanks.
4 bales India rubber.
10 tons pig-iron.
1 box steam-gauges.
5 bales woolens.
5 bales woolens.
5 drums telegraphic cables.
1 case instruments.
24 bales clothing.
2 cases saws.
4 casks saws.
1 case envelopes.
17 casks hardware.
39 cases hardware.
6 bales wearing apparel.
8 cases charts.
2 cases books.
19 bales flannel.
1 bale hosiery.
2 cases thread.
2 cases woolen caps.
1 case hardware.
27 bales clothing.
3 cases writing-paper.
6 bales writing-paper.
7 bales blankets.
38 cases boots.
10 anvils.
4 casks hardware.
8 bales blankets.

(Signed) J. DONNAN,
Assistant Surveyor.

No. 5.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
February 9, 1865. (Received February 9.)

SIR: With reference to your letter of the 1st instant, relating to the vessels Virginia and Louisa Ann Fanny, suspected of being intended for the service of the Confederate States, I am commanded by the lords commissioners of Her Majesty's treasury to transmit herewith, for the information of Earl Russell, copy of a further report from the board of customs on the subject of the Virginia.

I am, &c.,
(Signed) GEO. A. HAMILTON.

[1] Three officers, 5 engineers, 30 stokers, 18 seamen, 2 carpenters, 3 stewards, 2 cooks, 1 purser, 1 purser's mate; total, 65.

[Inclosure in No. 5.]

Mr. Gardner to Mr. Hamilton.

CUSTOM-HOUSE, *February* 8, 1865.

SIR: With reference to your letter of the 2d instant, respecting two vessels, the Virginia and Louisa Ann Fanny, in this port, which are suspected to be intended for the Confederate States of North America, and to my letter of the 4th following, reporting the particulars which had been ascertained by the officers in regard to the latter, I am now directed to state, for the information of the lords commissioners of Her Majesty's treasury, that, from the inquiries which have been made, the Virginia does not appear to be in this port.

I am to add that the officers have been informed that a vessel named the Virginia was at Nassau on the 25th ultimo, and that she was formerly called the Zealous, which is the name mentioned in the American consul's letter of the 27th.

I am, &c.,
(Signed) J. F. GARDNER.

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[599] *No. 6.

Mr. Hammond to Sir F. Rogers.

FOREIGN OFFICE, *February* 13, 1865.

SIR: I am directed by Earl Russell to transmit to you, to be laid before Mr. Secretary Cardwell, copies of a letter addressed by the United States consul in London to Mr. Adams, respecting two vessels, the Virginia and Louisa Ann Fanny,[1] said to be fitting out in the port of London as privateers, and of a letter and its inclosures from the treasury,[2] from which it appears that a vessel named the Virginia was at Nassau on the 25th ultimo.

I am, &c.,
(Signed) E. HAMMOND.

No. 7.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET,
February 18, 1866. (Received February 20.)

SIR: In answer to your letter of the 13th instant, relative to two vessels said to be fitting out in the port of London for the service of the Confederate States, I am directed by Mr. Secretary Cardwell to acquaint you, for the information of Earl Russell, that he will forward copies of the correspondence which you have transmitted to this department to the governors of Bermuda and the Bahamas, with instructions to cause the vessels to be duly watched in the event of their arriving in either of those colonies.

I am, &c.,
(Signed) FREDERIC ROGERS.

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[1] No. 1. [2] No. 5.

No. 8.

Mr. Elliot to Mr. Hammond.

DOWNING STREET, *April* 19, 1865. (Received April 20.)

SIR: With reference to your letter of the 13th of February, accompanied by a letter from the United States consul in London, relative to some vessels alleged to be fitting out in the port of London as privateers, I am directed by Mr. Secretary Cardwell to transmit to you the inclosed copy of a dispatch from the governor of Bermuda, showing that all proper vigilance has been exercised in that colony, and that no breach or intended breach of the law has been discovered. It does not appear to Mr. Cardwell that any further steps are necessary in the matter.

I am, &c.,
(Signed) T. FRED'K ELLIOT.

[Inclosure in No. 8.]

Lieutenant-Governor Hamley to Mr. Cardwell.

BERMUDA, *March* 15, 1865.

SIR: I have the honor to acknowledge the receipt of your dispatch (confidential) of the 18th ultimo, with inclosures, in which you draw my attention to the probable visit to Bermuda of two vessels named respectively the Virginia and the Louisa Ann Fanny, and in which you desire me to have those vessels watched should they come here.

I observe, also, mention of the City of Richmond, in the letter of Mr. Morse, the United States consul in London.

Further, I beg to acquaint you that, by a communication from Her Majesty's chargé d'affaires at Washington, I am requested to observe another steamer named the Ajax.

This dispatch will therefore have reference to all the four vessels above named.

[600] *1. The Virginia has been here, but not since the 25th January, when she left with cargo for Nassau.

It will be observed that this is the same date on which, according to Mr. Gardner's letter to Mr. Hamilton of the 8th February, she was believed to be at Nassau.

2. The Ajax has not appeared in Bermuda.

3. The City of Richmond had been here, and had left for Nassau before your confidential letter reached me.

4. The Louisa Ann Fanny cleared for Havana on the 8th instant, the day on which your confidential dispatch was received.

5. The City of Richmond arrived here with the reputation of having been used for belligerent purposes elsewhere. She was therefore strictly watched, and her state and proceedings were matters of especial consideration to the privy council, the attorney-general, and myself.

Notwithstanding the vigilance used toward her, and the attention which she attracted, I am not aware of any fact whatever indicating that she broke the law here or was preparing to break it elsewhere. After she had obtained her clearance, there was much quarreling among the crew, the master, and the agents. I was asked first by the master, and afterward by the agents, to detain the ship for the purpose of having those disputes adjusted; but I was advised that I could not interfere. Finally, the agents obtained an order from the judge of the admiralty court, but in the mean time the ship had gone to sea. I have seen her arrival at Nassau announced in an island newspaper.

6. The Louisa Ann Fanny came here loaded. She did not enter her cargo, but only came in to coal on her way to Havana. While here application was made to ship the following articles, viz: 300 sacks saltpeter, 113 cases rifles, 100 cases merchandise, 8 cases revolvers, and 100 bales wrapping-paper.

The request was referred to me, and I, having been advised that there was no sufficient cause for prohibiting the shipment, allowed it to take place. Either this is not the same vessel as that of the same name mentioned by Mr. Morse in his

letter of the 27th of January to Mr. Adams, or else that gentleman overrates her draught.

As far as I can ascertain, her draught differs but little from that of some notorious blockade-runners, and affords no evidence that she was built for other than the blockade-running service.

The ship was closely watched, but nothing was discovered to indicate that her employment was not strictly mercantile.

Whenever an American ship has come hither under reasonable suspicion of warlike intention she has been strictly watched. In no instances has it been proved that a ship has armed here. There is, however, some reason for supposing that illegal purposes have been frustrated by vigilance.

Uncertainty and indecision have characterized the recent proceedings of professing blockade-runners. They appear to be thoroughly disconcerted.

I have, &c.,
(Signed) W. G. HAMLEY.

No. 9.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 25, 1865.

SIR: In my letter of the 1st of February I had the honor to inform you that due inquiry should be made respecting the proceedings of two vessels, the Virginia and Louisa Ann Fanny, to which you had called my attention in your letter of the 30th of January.

I have now the honor to state to you that a report has been received from the lieutenant-governor of Bermuda respecting these vessels, as well as respecting the City of Richmond, which was mentioned in the letter from Mr. Morse, which accompanied your note, and the steamer Ajax, to which the attention of the lieutenant-governor of Bermuda had been called by a communication from Her Majesty's chargé d'affaires at Washington.

The lieutenant-governor states, first, as to the Virginia, that she had been at Bermuda, but not since the 25th of January, when she left with cargo for Nassau.

2d. That the Louisa Ann Fanny cleared for Havana on the
[601] 8th of *March, the day on which the instructions respecting her reached the lieutenant-governor.

3d. That the Ajax had not appeared in Bermuda.

4th. That the City of Richmond has been at Bermuda, but had left for Nassau before the instructions respecting her arrival.

With regard to this latter vessel the lieutenant-governor states that as she arrived with the reputation of having been used for belligerent purposes elsewhere she had been strictly watched, and her state and proceedings had been matters of especial consideration on the part of the authorities; but, notwithstanding the vigilance used toward her, and the attention she attracted, the lieutenant-governor was not aware of any fact whatever indicating that she broke the law at Bermuda, or was preparing to break it elsewhere. After the City of Richmond had obtained her clearance the lieutenant-governor was appealed to by various parties, between whom disputes respecting her had arisen, to cause the ship to be detained; but the lieutenant-governor was advised that he could not interfere.

With regard to the Louisa Ann Fanny the lieutenant-governor observes that she arrived loaded, but that while at Bermuda she applied for permission to ship some saltpeter, rifles, and other merchandise; and that the lieutenant-governor having been advised that there was

no sufficient cause for prohibiting the shipment allowed it to take place. The lieutenant-governor further states that either this is not the same vessel as that mentioned by Mr. Morse in his letter to you, or else that Mr. Morse greatly overrates her draught, which differs little, so far as the lieutenant-governor could ascertain, from that of several notorious blockade-runners, and affords no evidence that she was built for other than the blockade-running service. She was closely watched, but nothing was discovered to indicate that her employment was not strictly mercantile.

The lieutenant-governor adds that whenever a ship has arrived at the Bermudas under reasonable suspicion of warlike intention she has been strictly watched; that in no instance it has been proved that a ship has armed there; and that, on the other hand, there is good reason for believing that illegal purposes have been frustrated by vigilance.

I am, &c.,
(Signed) RUSSELL.

No. 10.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *May* 11, 1865. (Received May 12.)

SIR: With reference to your letter of the 13th of February, I am directed by Mr. Secretary Cardwell to transmit to you, for the information of Earl Russell, the inclosed copy of a dispatch from the governor of the Bahamas respecting the two steamers Virginia and Louisa Ann Fanny, or Fanning, which, it has been alleged by the United States consul in London, were intended for the service of the Confederate States.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure in No. 10.]

Governor Rawson to Mr. Cardwell.

GOVERNMENT HOUSE, *Nassau, March* 31, 1865.

SIR: In reply to your dispatch of the 18th of February, confidential, instructing me to cause the two steamers Virginia and Louisa Ann Fanny to be watched, in the vent of their arriving at Nassau, in consequence of a representation made to the foreign office by the United States consul at London, I have the honor to report that both these steamers have visited this port, and that nothing has transpired here, in connection with either, to create a suspicion that they are intended for warlike purpores, or for the naval service of the Confederate States.

2. The Virginia is now in the harbor. It is not known that she ever bore any [602] other name. She arrived here on he 29th January from Bermuda, with a *cargo of pork and coffee, reported not to be landed. She cleared out on the 2d February for Saint John's, New Brunswick, doubtless with the intention of endeavoring to run the blockade into Wilmington; but finding that port closed by the capture of Fort Fisher, she returned hither on the 8th February, with the same cargo on board, which has since been discharged here. There has been nothing in her outfit, cargo, or proceedings to distinguish her from an ordinary blockade-runner. She is one of a new class of fine powerful steamers, of which several have been built, and some sent out, intended to carry on the trade with Wilmington, which was accessible to a larger class of steamers than Charleston.

3. The screw-steamer Lousia Ann Fanning is, doubtless, the same described by the United States consul as the Louisa Ann Fanny. Her tonnage is not 800 or 900 tons, but 425 tons. She arrived here on the 12th March, with a cargo of coal and assorted

merchandise, reputed not to be landed. She did not enter the port, and cleared out on the same day for Havana. There is no reason for supposing that she is engaged in, or destined for, other than commercial pursuits.

4. This is the vessel which touched here on the night of the 23d March, and sent a boat into the harbor to deliver letters to the captain of the steamer Ajax, as reported in my dispatch of the 1st April. But the object of this may only have been to convey to a person employed by the same owners, or acting in the same interests, the latest information or instructions from Havana.

I have, &c.,
(Signed) RAWSON W. RAWSON.

No. 11.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *June* 5, 1865. (Received June 6.)

SIR: With reference to my letter of 11th May, I am directed by Mr. Secretary Cardwell to transmit to you, for the information of Earl Russell, the inclosed copy of a dispatch from the governor of the Bahamas, respecting the steamer Louisa Ann Fanny.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure in No. 11.]

Governor Rawson to Mr. Cardwell.

GOVERNMENT HOUSE, *Nassau, May* 3, 1865.

SIR: In my dispatch of the 31st March, I reported, in reply to your inquiry about a steamer named the Louisa and Fanny, that a steamer named the Louisa Ann Fanning had lately twice visited this port.

2. On the 28th ultimo a steamer, reported as the Louisa Ann Fanny, arrived here from Havana, and left two days after for Bermuda. Having been led to make inquiry about this vessel I have ascertained that it is the same which, upon the correct report of the boarding-officer, I described in the above dispatch as the Louisa Ann Fanning.

3. I desire to correct the mistake, although it does not appear to have been of much importance, as the receiving-general informs me that there is no such name in the list of British steamers as the Louisa Ann Fanning.

I have, &c.,
(Signed) RAWSON W. RAWSON.

603] *CITY OF RICHMOND.

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*CITY OF RICHMOND.

No. 1.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, January 14, 1865. (Received January 14—4.50 p. m.)

MY LORD: Since dispatching my note this morning,[1] I have received further information in regard to the subject to which it relates, from the same source. I hasten to submit to your lordship's consideration a copy of another letter from Mr. Morse, dated this morning.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 1.]

Mr. Morse to Mr. Adams.

UNITED STATES CONSULATE,
London, January 14, 1865.

SIR: I am informed by our consular agent at Calais, and other equally reliable sources of information, that forty seamen and officers left Calais at midnight on Tuesday night last, as passengers on the steamer Velocity, for London. This steamer runs between Calais and London, on the General Steam Navigation Company's line. The men did not come to London, but were put on board the rebel steamer City of Richmond, somewhere down the river. When those who controlled the City of Richmond at Greenhithe saw that their movements were kept under observation, the steamer was got under way with all dispatch, and left behind nine or ten of the London privateersmen, who went down to her by the train following that which took down the men who succeeded in getting on board. Thirty-six men, all of whom are said to have served on board either the Alabama, Georgia, or Florida, are known to have gone on board at Greenhithe. These, with the forty men and rebel naval officers from Calais, who joined her down the river, make seventy-six men on board the City of Richmond, whom she is taking out of this country to some rebel privateer.

A telegraph from Falmouth last evening, not received until this morning, informs me that the City of Richmond had not then arrived there, but was expected. I shall be promptly notified on her arrival there, should she go there. The man called Captain Early, who shipped them, went down the river on the steamer with them, and has not yet returned. The men who left this port are mostly English subjects, and have been in the rebel privateering service. They were kept under observation, and particularly cautioned against being drawn into conversation in reference to their shipment and destination by any person, and no testimony can be obtained from them. The nine or ten men left will probably be sent to Calais, or to the City of Richmond should she touch at Falmouth for coal, or at any other port on the English coast. Should the government here think it a case requiring its attention, I feel quite sure that all these men know in reference to their shipment and destination can readily be obtained.

Though I am not now able to furnish legal proof of the fact, I have no doubt whatever that the seventy-six passengers, except the officers on board the City of Rich-
[606] mond, have been engaged in this country for a rebel privateer. Whether *they

[1] Relating to the case of the Hawk.

are to join the Shenandoah or some other privateer on the other side of the Atlantic, or a new one in European waters, I have not been able to learn.

I learn also that John Seymour, called John the Greek, and another foreigner, have just received orders to engage men for the rebel service.

I remain, &c.,
(Signed) F. H. MORSE.

No. 2.

Mr. Hammond to Mr. Waddington.

[Immediate.]

FOREIGN OFFICE, *January* 15, 1865.

SIR: I am directed by Earl Russell to transmit to you herewith copies of two letters and their inclosures, received from Mr. Adams,[1] respecting some alleged enlistments for the service of the Confederate States; and I am to request that, in laying these letters before Secretary Sir George Grey, you will move him to cause inquiry to be made, and any measures to be taken which circumstances may appear to require, and which may be in accordance with the law.

I am, &c.,
(Signed) E. HAMMOND.

No. 3.

Mr. Waddington to Mr. Hammond.

[Immediate.]

WHITEHALL, *January* 16, 1865. (Received January 16.)

SIR: I am directed by Secretary Sir George Grey to acknowledge the receipt of your letter of the 15th instant, transmitting copies of two letters and their inclosures from the United States minister at this court, respecting some alleged enlistments for the service of the Confederate States; and I am to state for the information of Earl Russell that, as to the Hawk, the mayor of Liverpool will be requested to make inquiries. As to the City of Richmond, there appears to be at present no evidence of the destination and the intentions of her commander which could be submitted to the law-officers for their opinion as to the legality of her detention. The mayor of Falmouth will be written to, to make inquiries if the City of Richmond should touch at this port.

I am, &c.,
(Signed) H. WADDINGTON.

P. S.—Sir Richard Mayne will also be directed to obtain information, as far as he is able, as to both these vessels.

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[1] No 1; and a second relating to the case of the Hawk.

No. 4.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 16, 1865.

SIR: I have the honor to acknowledge the receipt of your letters of the 14th instant, inclosing copies of two letters, dated respectively the 10th and 14th of this month, which have been addressed to you by the United States consul in London.

I am, &c.,
(Signed) RUSSELL.

No. 5.

Mr. Baring to Mr. Hammond.

[Immediate.]

WHITEHALL, *January* 19, 1865. (Received January 19.)

SIR: With reference to your letter of the 15th instant, and Mr. Waddington's reply of the 16th, I am directed by Secretary Sir George
[607] Grey to transmit to you, *for the information of Earl Russell, the inclosed copy of the report of the inquiry which has been made by the police respecting the steamer the City of Richmond.

I am, &c.,
(Signed) T. G. BARING.

[Inclosure in No. 5.]

Detective officer's special report.

METROPOLITAN POLICE OFFICE, SCOTLAND YARD,
January 17, 1865.

I beg to report that I have made inquiry, in conjunction with Police-Constable Dyer, Thames division, and have ascertained that on Tuesday, the 10th instant, the City of Richmond, (paddle-steamer,) Scott, master, left the Victoria docks, and went down the river to Greenhithe. On Wednesday morning about thirty-seven seamen came from London by train, and went on board of her; and the same day the steamer Velocity, from Calais, put on shore at Greenhithe thirty-nine seamen, who were immediately conveyed in boats to the City of Richmond. The men who came from London were brought to Greenhithe by a boarding-house keeper named Hurley, residing in Ratcliffe Highway. They consisted chiefly of foreigners, and I am informed were brought from Bahia in a bark called the Linda. They were a portion of the crew of the Florida, who were on shore at the time she was seized. The men who were brought from Calais were also chiefly foreigners. It is stated that when the City of Richmond sailed two or three of the crew were left behind; but the only information I can gain about them at present is that they returned to London.

The City of Richmond sailed from Greenhithe about 1 o'clock on Wednesday last, for Nassau, Bermuda.

In addition to the seamen who came down from London there were three or four gentlemen in plain clothes, whose luggage had French railway labels upon it.

(Signed) FREDK. WILLIAMSON,
Inspector Detective.

No. 6.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 27, 1865.

SIR: With reference to my letter of the 16th instant, I have the honor to inform you that it does not appear to Her Majesty's govern-

ment, from the information which you have furnished me, or from such information as they have otherwise been able to obtain respecting the Hawk and the City of Richmond, that either of these vessels is intended for the war-service of the so-styled Confederate States, still less that there has been any illegal equipment in this country of either vessel.

With regard to the men supposed to have enlisted into the confederate service, the greater part of whom appear to have already sailed from Nassau by the City of Richmond, it seems, indeed, to be probable that they came together for some purpose connected with the war-service of the Confederate States. But there is no evidence in the possession of Her Majesty's government to show that either any particular persons among them, being natural-born subjects of Her Majesty, have enlisted in that service, or have left this country with a view to such enlistment, or that any of them, whether natural-born subjects of Her Majesty or not, have been induced to enlist in this country, or to go from hence for the purpose of enlistment, by any particular person or persons now amenable to Her Majesty's jurisdiction.

The information which Her Majesty's government possesses with regard to such of these men as belong to the Florida rather leads to the conclusion that, when they arrived in this country from Bahia, they, whether subjects of Her Majesty or not, were already in the confederate service, and that no new enlistment or engagement in this country need be supposed in order to account for their coming together and going out to a port from whence they may be able to proceed to the Confederate States.

I have further the honor to state to you that, when the particular facts relative to the engagement of the crew of the Florida were under the consideration of Her Majesty's government on the occasion of the presence of some of them at Liverpool, it was found that they had been engaged and shipped at Mobile, in the Confederate States, under [608] circumstances which did not seem to Her Majesty's *government to justify the expectation that they could be successfully prosecuted for any offense against the foreign-enlistment act. Whether the men now in question were part of the same crew or were enlisted for the Florida at some other place, and under different circumstances, does not at all appear.

Her Majesty's government are therefore of opinion that there is not at present any such evidence before them of a violation of the foreign-enlistment act, either by the equipment or fitting out of the ships Hawk and City of Richmond, or either of them, or by the enlistment or procurement of men in this country for the confederate war-service as would justify them in taking any legal steps in the matter.

I am, &c.,

(Signed) RUSSELL.

No. 7.

Mr. Adams to Earl Russell, January 30, 1865.

[See correspondence respecting the Virginia and Louisa Ann Fanny, No. 1, page 683.]

[Inclosure in No. 7.]

Mr. Morse to Mr. Adams.

[Extract.]

UNITED STATES CONSULATE,
London, January 27, 1865.

The privateersmen who left the Thames on the City of Richmond went to Cherbourg, France, where they remained on board about one week. I learn from our consular agent at Cherbourg that they are now on board a steamer at Omanville, awaiting to be transferred to the corsair, in which they are to serve.

The City of Richmond has left the port of Cherbourg and, as is supposed, proceeded on her voyage to Bermuda, for which island she cleared from the port of London. If the men were intended for service of any kind on the other side, would they not have continued their voyage in the City of Richmond, as she is nearly new, and in the late storm on the coast proved an excellent staunch sea-boat? I think there is no question about the men being re-engaged for the rebel service, and received £10 advance here before leaving.

It has been said for the last month or more in the councils of confederate agents in Europe, and even by the head of their navy department in Europe, (Commodore Barran himself,) that they expected to get out two privateers at least by the last of January or early in February. Possibly the City of Richmond may be one of them, and may have gone to the place appointed to take on board her armament, crew, &c.

No. 8.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *April* 11, 1865. (Received April 11.)

SIR: I am directed by Mr. Secretary Cardwell to transmit to you, for the consideration of Earl Russell, the inclosed copy of a dispatch from the governor of the Bahamas respecting the steamer City of Richmond, which has arrived at Nassau from London, via Bermuda, carrying a British register, but which is supposed to belong to citizens of the Confederate States.

I am, &c.,
(Signed) FREDERIC ROGERS.

[Inclosure in No. 8.]

Governor Rawson to Mr. Cardwell.

GOVERNMENT HOUSE, *Nassau, March* 13, 1865.

SIR: I have the honor to report, for your information, the arrival in this port from London, via Bermuda, on the 3d instant, of the steamer City of Richmond, master, Scott, carrying a British register, but supposed to belong to citizens of the Confederate States.

[609] *2. The master has had a dispute with the agents, and the officers and crew have resisted their discharge in this harbor. Both parties have, therefore, been unusually communicative to the receiver-general regarding their proceedings on their recent voyage hither, and have given him the following information:

3. After clearing at London for this port, via Bermuda, they shipped at Greenhithe, at a late hour in the evening, a large quantity of arms and ammunition, and about seventy seamen, in addition to their own crew. They went to Cherbourg, where they staid about five or six days, and thence to a small island off l'Orient, on the coast of France, where they remained for some days, until they were joined by the French-built iron-clad steamer, which is reported to have been purchased for the service of the Confederate States, when the arms, ammunition, and seamen were put on board of her, and several of the crew of the City of Richmond were induced to join her. The latter vessel then proceeded on her voyage hither, via Bermuda. The officers and crew have

been discharged here. The future destination of the vessel is not known to the receiver-general.

4. I have consulted the attorney-general with reference to the foregoing illegal proceedings of this vessel, but I find that the government of this colony has no power of taking action against the vessel or against any of the persons connected with her. I therefore report the circumstances for the information of Her Majesty's government.

I have, &c.,
(Signed) RAWSON W. RAWSON.

No. 9.

Lieutenant-Governor Hamley to Mr. Cardwell.

[Extract.]

BERMUDA, *March* 15, 1865.

The City of Richmond arrived here with the reputation of having been used for belligerent purposes elsewhere. She was therefore strictly watched, and her state and proceedings were matters of especial consideration to the privy council, the attorney-general, and myself.

Notwithstanding the vigilance used toward her, and the attention which she attracted, I am not aware of any fact whatever indicating that she broke the law here or was preparing to break it elsewhere. After she had obtained her clearance there was much quarreling among the crew, the master, and the agents. I was asked first by the master, and afterward by the agents, to detain the ship for the purpose of having these disputes adjusted; but I was advised that I could not interfere. Finally, the agents obtained an order from the judge of the admiralty court, but in the mean time the ship had gone to sea. I have seen her arrival at Nassau announced in an island newspaper.

No. 10.

The law-officers of the Crown to Earl Russell.

LINCOLN'S INN, *April* 25, 1865. (Received April 26.)

MY LORD: We are honored with your lordship's commands signified in Mr. Murray's letter of the 18th instant, stating that he was directed by your lordship to transmit to us a letter from the colonial office, and its inclosure, respecting the arrival at Nassau of the City of Richmond, after having been engaged in conveying seamen, arms, and ammunition to the Stonewall, and to request that we would take the same into our consideration, and favor your lordship with our opinion whether the parties concerned in this transaction can be prosecuted on their return to this country for their proceedings at Greenhithe or elsewhere.

In obedience to your lordship's commands, we have taken these papers into our consideration, and have the honor to report—

That there is not, at present, any evidence before us on which a successful prosecution of any of the parties could be conducted if they should return to this country.

(Signed) ROUNDELL PALMER.
R. P. COLLIER.
ROBERT PHILLIMORE.

[610] *No. 11.

Earl Russell to Mr. Adams.

[Extract.]

FOREIGN OFFICE, *April* 25, 1865.

The lieutenant-governor of Bermuda states * * * * that the City of Richmond had been at Bermuda, but had left for Nassau before the instructions respecting her arrival.

With regard to this latter vessel, the lieutenant-governor states that, as she arrived with the reputation of having been used for belligerent purposes elsewhere, she had been strictly watched, and her state and proceedings had been matters of especial consideration on the part of the authorities; but, notwithstanding the vigilance used toward her and the attention she attracted, the lieutenant-governor was not aware of any fact whatever indicating that she broke the law at Bermuda, or was preparing to break it elsewhere. After the City of Richmond had obtained her clearance, the lieutenant-governor was appealed to by various parties between whom disputes respecting her had arisen, to cause the ship to be detained; but the lieutenant-governor was advised that he could not interfere.

No. 12.

Mr. Hammond to Sir Frederic Rogers.

FOREIGN OFFICE, *May* 2, 1865.

SIR: I am directed by Earl Russell to inform you that, on the receipt of your letter of the 11th ultimo, his lordship thought it right to consult the law-officers of the Crown as to the expediency of prosecuting the parties concerned in conveying seamen and ammunition from this country, on board the City of Richmond steamer, to the iron-clad ram Stonewall; and I am now to transmit to you, to be laid before Mr. Secretary Cardwell, a copy of the law-officers' opinion on this subject.[1]

I am, &c.,
(Signed) E. HAMMOND.

No. 13.

Sir F. Rogers to Mr. Hammond.

DOWNING STREET, *June* 5, 1865. (Received June 6.)

SIR: With reference to my letter of the 11th April, I am directed by Mr. Secretary Cardwell to transmit to you, for the information of Earl Russell, the inclosed copy of a dispatch from the governor of the Bahamas, reporting the departure from Nassau of the steamer City of Richmond.

I am, &c.,
(Signed) FREDERIC ROGERS.

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[1] No. 10.

[Inclosure in No. 13.]

Governor Rawson to Mr. Cardwell.

GOVERNMENT HOUSE, *Nassau, May* 1, 1865.

SIR: With reference to my dispatch of the 13th March, reporting the arrival, in this port, of the steamer City of Richmond, which had been concerned in providing armament for the confederate ram Stonewall Jackson, I have the honor to report that she cleared for London, in ballast, yesterday.

I have, &c.,
(Signed) RAWSON W. RAWSON.

[611] *RAPPAHANNOCK.

No.	From whom and to whom.	Date.	Subject.	Geneva edition.	Second edition.
				Page.	*Page.*
1	Admiralty to foreign office....	Oct. 24, 1863	Her Majesty's ship Victor sold to Messrs. Coleman as unserviceable. Is their application for her masts and rigging to be granted?	615	709
2	Foreign office to admiralty ...	Oct. 24, 1863	The hull of the vessel may be sold, but not the masts and sails.	615	709
3	Consul Hotham to Earl Russell.	Nov. 26, 1863	Arrival of the confederate vessel Rappahannock at Calais. She is detained by customs authorities.	615	710
4	.....do	Nov. 27, 1863	The Rappahannock permitted to leave the port. She is the hull of the Victor.	616	710
5	Earl Russell to Lord Lyons ...	Nov. 28, 1863	Explanations as to the Rappahannock. She was sold as unserviceable, without her masts or sails. Her crew and rigging incomplete.	616	710
6	Mr. Adams to Earl Russell....	Nov. 28, 1863	Report from United States consul in London. Alleged employment of workmen from the government dock-yards in rigging the vessel. The Agrippina and Harriet Pinckney suspected of being charged with her armament.	617	711
7	Earl Russell to Mr. Adams....	Nov. 30, 1863	Immediate steps will be taken to verify truth of statements respecting the Rappahannock.	618	712
8	Foreign office to admiralty....	Nov. 30, 1863	Were riggers from Her Majesty's dock-yard at Sheerness employed on Rappahannock?	618	713
9	Admiralty to foreign office....	Dec. 2, 1863	The Scylla was searched and no government property found on board. She was not fitted by dock-yard men during working-hours.	618	713
10	Mr. Bernard to commissioners of customs.	Dec. 2, 1863	Report of inquiries made at Sheerness as to the Rappahannock. She left Sheerness secretly, in an unfinished state.	620	715
11	Admiralty to foreign office....	Dec. 4, 1863	Explanations as to the sale and fitting out of the Rappahannock, late Victor, by dock-yard men. Some of the latter have been discharged.	620	716
12	.....do	Dec. 5, 1863	No men belonging to the steam-reserve were employed in fitting out the Victor.	624	719
13	Mr. Adams to Earl Russell....	Dec. 5, 1863	Report from United States consul in London, with affidavits relating to engagement of the crew of the Rappahannock.	624	720
14	Earl Russell to Mr. Adams....	Dec. 5, 1863	His note of the 5th instant shall be considered by Her Majesty's government.	627	722
15	Admiralty to foreign office....	Dec. 11, 1863	Explanations from master rigger at Sheerness relative to the fitting out of the Scylla, late Victor.	627	723
16	Mr. Adams to Earl Russell....	Dec. 12, 1863	Further deposition as to proceedings at Sheerness in connection with sale of Victor.	629	724
17	Admiralty to foreign office....	Dec. 15, 1863	Explanations from Mr. Rumble, inspector of machinery afloat at Sheerness, as to his proceedings with regard to the Scylla.	630	726
18	Earl Russell to Mr. Adams....	Dec. 16, 1863	Her Majesty's government will enforce the neutrality laws against those who may have transgressed them in the case of the Rappahannock. The Agrippina has sailed from Plymouth. The Harriet Pinckney detained there for repairs.	632	728

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No.	From whom and to whom.	Date.	Subject.	Geneva edition.	Second edition.
				Page.	*Page.*
19	Mr. Adams to Earl Russell....	Dec. 16, 1863	Proof that the Rappahannock is registered as a British ship, and owned by a British subject, R. G. Coleman; hopes the law will be enforced.	632	728
20	Earl Russell to Mr. Adams....	Dec. 17, 1863	His note of 16th instant shall be considered.	635	730
21	[614] * Mr. Adams to Earl Russell.	Dec. 23, 1863	Further depositions as to the outfit and departure of the Rappahannock, and the connivance of Her Majesty's officers at Sheerness.	635	730
22	Earl Russell to Mr. Adams....	Dec. 24, 1863	The above depositions shall be considered.	641	736
23	Mr. Adams to Earl Russell....	Jan. 9, 1864	Further depositions relating to steamship Victor.	641	737
24	Earl Russell to Mr. Adams....	Jan. 11, 1864	Above depositions have been communicated to proper department of Her Majesty's government.	644	739
25	Earl Cowley to Earl Russell ..	Mar. 27, 1864	The Rappahannock detained by the French government for shipping a crew and equipping for war purposes.	644	739
26	Mr. Adams to Earl Russell....	April 5, 1864	Depositions from United States consul at Liverpool, showing agency of Jones & Co., British subjects, in enlisting British subjects for the confederates.	644	740
27	Earl Russell to Mr. Adams....	April 6, 1864	Acknowledging receipt of the above.	646	741
28	Mr. Adams to Earl Russell....	April 16, 1864	Twenty-one depositions of persons enlisted in the United Kingdom for the service of the confederates. Hopes that such violations of neutrality will be checked.	646	742
29	Earl Russell to Mr. Adams....	April 18, 1864	The above papers shall be considered by Her Majesty's government.	659	754
30	Mr. Adams to Earl Russell....	May 4, 1864	Further depositions as to the case of Mr. Rumble. His endeavors to obtain retraction of evidence against him.	659	754
31	Earl Russell to Mr. Adams....	May 7, 1864	Above depositions have been referred at once to proper department of Her Majesty's government.	663	757
32	Mr. Adams to Earl Russell....	May 23, 1864	Additional depositions showing continuance of enlistments of British subjects in insurgent service.	663	758
33	Earl Russell to Mr. Adams....	May 26, 1864	The above shall receive careful attention.	670	764
34	Treasury to foreign office.....	June 16, 1864	The Queen *vs.* Rumble. Information wanted as to proceedings of the Rappahannock at Calais. Would like to see Her Majesty's consul at Calais.	671	765
35	Earl Russell to Earl Cowley...	June 16, 1864	Requesting that the required information may be sent at once.	671	765
36	Earl Cowley to Earl Russell...	June 17, 1864	The Rappahannock was detained by the French government for a breach of neutrality in adding to her crew at Calais.	671	766
37	Admiralty to foreign office....	Feb. 16, 1865	No foundation for statement that the Scylla was assisted by government tugs in leaving Sheerness on 24th ultimo. Court of inquiry held.	672	767
38	Earl Russell to Mr. Adams....	Feb. 18, 1865	Communicating the above information.	673	767
39	Admiralty to foreign office....	Feb. 28, 1865	Mr. Rumble placed on half-pay for aiding parties fitting out a vessel of war for a belligerent power.	673	768
40	Earl Russell to Mr. Adams....	Mar. 8, 1865	Informing him of decision in case of Mr. Rumble.	674	769

*RAPPAHANNOCK.

No. 1.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *October* 24, 1863. (Received October 24.)

SIR: I am commanded by my lords commissioners of the admiralty to acquaint you, for the information of Earl Russell, that on the 14th of September last they accepted an offer from Messrs. R. Gordon Coleman & Co., for the purchase of Her Majesty's ship Victor, gun-vessel of 350 horse-power, this vessel being one of a number which it was considered desirable to dispose of, not being fit for Her Majesty's service, and that firm have now made an application for the masts and sails of the Victor, which they state they consider as having been sold with the vessel, but which were not mentioned in the letter from this department.

My lords have had several negotiations with Messrs. Coleman for the purchase of vessels out of Her Majesty's service, but under the present circumstances my lords are unwilling to sell the masts, yards, rigging, sails, &c., belonging to the Victor, without ascertaining whether Lord Russell sees any objection to such a course.

My lords have no reason to suspect that the Victor is purchased for a belligerent; she is considered by the officers of this department to be rotten and unserviceable, and when she was inspected by Captain Sherrard Osborn with a view to her being taken for service in China, her hull was considered too defective to make it worth his while to fit her out as a man-of-war.

My lords would be glad to be favored with an early reply.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 2.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *October* 24, 1863.

SIR: In reply to your letter of this day's date I am directed by Earl Russell to request that you will inform the lords commissioners of the admiralty that his lordship is of opinion that there is no objection to the sale to Messrs. R. Gordon Coleman & Co., of the hull of Her Majesty's gun-boat Victor, but Lord Russell thinks it advisable that the masts and sails of that vessel should be reserved for the present.

I am, &c.,
(Signed) E. HAMMOND.

No. 3.

Consul Hotham to Earl Russell.

CALAIS, *November* 26, 1863. (Received November 27.)

MY LORD: I think it right to inform your lordship that a three-masted screw-steamer entered this port at about a quarter past
[616] 12 o'clock this day, and at once hoisted the colors *of the Confederate States of America. For some time she gave no name, but I have ascertained this afternoon that she is the Rappahannock, 750 tons, commanded by Captain Campbell, and that she left Sheerness early yesterday morning. She was off this port yesterday evening, but only entered it this day. She is an old vessel purchased in London, and though said to be British, was, I believe, formerly a Dutch gun-boat, though I cannot be positive on this head. No guns or ammunition have been found on board, and her spars and rigging are incomplete. She is also in want of hands, and those on board seem to be more of the carpenter and shipwright class than sailors. She is at present detained by the custom-house authorities, but it is expected that an order will shortly be received, giving her permission to leave this port.

Any further information I may be able to obtain respecting this vessel I will at once communicate to your lordship.

I have, &c.,

(Signed) BEAUMONT HOTHAM.

No. 4.

Consul Hotham to Earl Russell.

CALAIS, *November* 27, 1863. (Received November 28.)

MY LORD: With reference to my dispatch of yesterday's date reporting the arrival in this port of the confederate steamer Rappahannock, and of her detention by the custom-house authorities, I have the honor to inform your lordship that an order has been received this morning giving her permission to leave this port whenever her captain may wish to do so, and that she is not to be interfered with in any way.

I have this day ascertained that the vessel in question is the hull of Her Majesty's steam-sloop Victor, 350 horse-power, lately sold, I believe, by Her Majesty's government to the Messrs. Wigram.

I have, &c.,

(Signed) BEAUMONT HOTHAM.

No. 5.

Earl Russell to Lord Lyons.

FOREIGN OFFICE, *November* 28, 1863.

MY LORD: I transmit to you herewith, for your information, copies of two dispatches from Her Majesty's consul at Calais,[1] respecting the

[1] Nos. 3 and 4.

arrival at that port from Sheerness of a steamer under confederate colors, and bearing the name Rappahannock.

As this circumstance, to which allusion is made in the morning papers of to-day, may attract attention in the United States, inasmuch as the vessel arrived at Calais from Sheerness, having been originally in the British navy as the steam gun-vessel Victor, of 350 horse-power and 850 tons, I think it right to acquaint you that on the 14th of September last the lords of the admiralty accepted an offer of Messrs. Gordon Coleman & Co. for the purchase of the Victor gun-vessel, which was one of a number of vessels which it was considered desirable to dispose of as not being fit for Her Majesty's service. But although there was no reason to suspect that she was purchased for belligerent purposes, being considered by the officers of the admiralty as rotten and unserviceable, and having been already rejected by Captain Sherrard Osborn, when engaged in purchasing vessels for the service of the Emperor of China, as not being worth fitting out as a man-of-war, it was nevertheless determined not to allow the masts, spars, and sails to be sold with the vessel, and consequently the hull and fixtures only were made over to the purchasers.

Since her purchase she has been reported as fitting out at Sheerness for the opium trade, and she left that port on the 24th instant, as will be seen from Captain Hotham's report, in an incomplete state as to her sails and rigging, and without a sufficient crew.

I am, &c.,
(Signed) RUSSELL.

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[617] *No. 6.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, November 28, 1863.
(Received at the foreign office November 29—3.50 p. m.)

Mr. Adams, envoy extraordinary and minister plenipotentiary of the United States, presents his compliments to the Right Hon. Earl Russell, Her Majesty's principal secretary of state for foreign affairs, and it is with regret that he feels compelled to call his lordship's attention to another instance of the violation of the neutrality of Her Majesty's territory by the agents of the insurgents in the United States. The substance of the information which Mr. Adams has received will be found in a letter from the Hon. Freeman H. Morse, the consul of the United States for this port, a copy of which he has the honor to submit to your lordship's consideration.

It appears that the vessel, which has gone out in an unfinished state from Sheerness, is one which has lately been sold from Her Majesty's navy. She is not yet in a condition to go to sea, being neither armed nor manned. Mr. Adams hopes it is not true that any of the people in Her Majesty's employ have been engaged in the work of fitting her out. He has the strongest reason for believing that two vessels which have just put into Plymouth, one a steamer called the Harriet Pinkney, the other a sailing-vessel called the Barque Agrippina, may be charged with the materials for the armament, and possibly with a portion of the crew.

Mr. Adams will probably be able to obtain further and more exact information in a day or two. In the meanwhile he has thought it best to lose no time in making a representation.

Not doubting the disposition of Her Majesty's government to do justice in the premises, as well as in the rectification of any abuses that may have been committed by persons in Her Majesty's service as in the prevention of the ultimate success of this audacious enterprise, Mr. Adams prays, &c.

[Inclosure in No. 6.]

Mr. Morse to Mr. Adams.

CONSULATE OF THE UNITED STATES,
London, November 28, 1863.

SIR: The confederate steamer Rappahannock, reported this morning at Calais, France, was Her Majesty's steamer Victor, recently sold out of the government service. She has, until recently, lain at Sheerness, opposite the government dock-yard, and has been prepared for sea and for active service, so far as she was prepared when she left suddenly at midnight, by laborers, many of whom were employed at the government dock-yard at that place. A party of riggers was on board when she left, at work on her. Her rigging was not then rattled down. These riggers were from the government yard, and I am informed that these men were selected and sent off to the Victor by the master-rigger at the dock. Also that the masts of Her Majesty's ship Cumberland were used as shears to set the masts of the Victor, then called the Scylla, and now Rappahannock, and that other petty officers at the government yard have been employed to engage men and render other services to this privateer. In fact, that she was being prepared for service with the greatest secrecy and dispatch as a confederate privateer, under the cover and protection which her former ownership, proximity to the yard while being fitted out, and the employment of hands from the yard, threw around her.

She went off in quite an incomplete state, and would not have gone for some days but for the fact that the government here, it is supposed, became suspicious from some cause that materials from the yard had been used in repairing and fitting her out, and ordered a search to ascertain the truth of the story. In a few hours after she left suddenly, near midnight, on the morning of Wednesday, the 25th instant, in tow of the tug-boat Bulldog.

She came to anchor near the Tongue light, lay there a short time, and then went to Calais.

The above facts, with many others of equal importance, I expect to make good by sworn affidavits from responsible men, and will do so as soon as possible.

I do not mean to intimate by anything said above that the British government, or any officer of position connected with it, had any suspicion that they were selling a government war-ship into the confederate service, and lending one of their dock-
[618] yards as *a protection to fit her out as a privateer to be used against our commerce. I think they have been deceived by agents of the confederates, and will be ready and anxious to act with more than their usual energy to remedy the evil.

Yours, &c.,
(Signed) FREEMAN H. MORSE.

No. 7.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *November* 30, 1863.

SIR: I have the honor to acknowledge the receipt of your note dated the 28th instant, but which was only delivered at the foreign office a few minutes before 4 o'clock on the following day, Sunday, respecting the case of a vessel described in the letter from the United States consul in London, inclosed in your note, as the confederate steamer Rappahannock, formerly Her Majesty's ship Victor, recently sold out of the

government service; and calling attention also to two vessls named the Harriet Pinckney and the Agrippina, which have put into Plymouth, and which you believe may be charged with the materials for the armament of the Rappahannock, and possibly with a portion of the crew.

I have to acquaint you that the attention of the proper departments of Her Majesty's government has been directed, without loss of time, to the statements made by you and by the United States consul on this matter, and I have no doubt that immediate steps will be taken to verify the truth of the statements made.

I am, &c.,
(Signed) RUSSELL.

No. 8.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *November* 30, 1863.

SIR: I am directed by Earl Russell to transmit to you herewith, to be laid before the lords commissioners of the admiralty, a copy of a letter from Mr. Adams, the United States minister at this court,[1] inclosing a copy of a letter from the consul of the United States in London, respecting the conversion and fitting out at Sheerness of Her Majesty's late gun-vessel Victor, as the confederate steam-vessel Rappahannock; and I am to request that you will move their lordships to cause immediate inquiry to be made into the statements contained in these papers, and more particularly as regards the proceedings of the master-rigger of Her Majesty's dock-yard, and the employment of riggers from the dock-yard in fitting out vessel.

Lord Russell would be glad to be made acquainted, as soon as possible, with the result of those inquiries, in order that he may be enabled to return an answer to Mr. Adams.

I am, &c.,
(Signed) E. HAMMOND.

No. 9.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *December* 2, 1863. (Received December 2.)

SIR: With reference to your letter of the 30th ultimo, and its inclosures from the United States minister at this court, respecting the conversion and fitting out at Sheerness of Her Majesty's late gun-vessel Victor as the confederate steam-vessel Rappahannock, I am commanded by my lords commissioners of the admiralty to acquaint you, for Earl Russell's information, that the captain superintendent of Sheerness dock-yard has been directed to report all the information he can obtain as to the manner in which this vessel was got ready for sea, and
[619] whether any officers or men belonging to the dock-yard were * employed in fitting her, and I now inclose a copy of a letter dated the

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[1] No. 6.

1st instant, from Captain Wise, with copy of its inclosure, reporting on the subject.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 9.]

Captain Wise to the secretary to the admiralty.

SHEERNESS YARD, *December* 1, 1863.

SIR: In reply to your letter of the 30th ultimo, inclosing extracts from a letter dated the 28th November, of the United States consul in London, relative to the confederate steamer Rappahannock, late Her Majesty's gun-vessel Victor, having been got ready for sea at Sheerness, I beg to acquaint you, for their lordship's information, that on the 3d November I received a letter from the admiralty, dated the 2d, of which the following is a copy:

"ADMIRALTY, *November* 2, 1863.

"*Captain Superintendent, Sheerness:*

"You are to cause the Victor to be delivered up to Messrs. Coleman & Co., with her machinery and fixtures, but not any of her masts, rigging, and sails, upon their producing the usual order signed by two of their lordships.

"By command, &c.,
(Signed) "W. G. ROMAINE."

After the receipt of this letter, immediate steps were taken to take out of the Victor all stores, &c., except fixtures; also the pivots and other fittings for her guns.

On or about the 10th ultimo a person representing himself to be one of the firm of Messrs. Coleman & Co. produced their lordships' warrant or order, and the Victor was given up to him on behalf of the above firm.

A few days after this I observed the name of Scylla, of London, painted on her stern, and men employed taking in coal, shipping anchors and other stores, and preparing her for sea.

On Tuesday, the 24th ultimo, I received an anonymous letter, through the admiralty, stating that this ship was being fitted with government rigging and blocks, &c. The inspector of police and a foreman of the yard were sent off by me to search her, and the inclosed report was made, wherein their lordships will observe that nothing was found in her belonging to government.

On the morning of the 25th ultimo I was informed that she was towed out of the harbor during the night by a merchant-tug.

No officers or men belonging to the dock-yard have been employed to fit her out or get her ready for sea during the working hours of the yard, and I believe she was fitted out by men hired by her owners, masts, rigging, &c., being sent from London.

No secrecy was used in her fitting out at this port, and it was generally supposed she was being fitted out for the China trade; nor can I ascertain that any petty officer or others have been employed to engage men for her.

I have, &c.,
(Signed) CHAS. WISE.

[Inclosure 2 in No. 9.]

Report.

NOVEMBER 24, 1863.

I beg to report that the ship Scylla, late Victor, has been carefully searched this day, by direction of captain superintendent, by myself and water-police, in conjunction with Mr. Whettam, foreman of the yard.

No government property was found on board, except that stated by Mr. Whettam (who had an inventory of the articles sold with the ship) to have been sold with the ship.

Strict examination was made of the rigging and the cordage, which is private property.

(Signed) GEORGE COMB.

[620] *No. 10.

Mr. Bernard to the commissioners of customs.

SURVEYOR'S OFFICE, *December* 2, 1863.

HONORABLE SIRS: In obedience to your honors' directions, I proceeded to Rochester on Monday afternoon, and immediately waited upon the acting collector, Mr. Jones, with reference to the Rappahannock, lately Her Majesty's gun-boat Victor, who informed me that the first intimation he had of the character of this vessel was from a paragraph he saw in one of the daily papers. I therefore proceeded on to Sheerness early the following morning, (yesterday,) and beg to report the circumstances under which this vessel left Sheerness, as far as I could ascertain from information received on the spot.

It appears that on the 7th of October Mr. Todhunter, principal coast officer at Sheerness, and Mr. Warlow, examining officer at Rochester, visited this vessel, by directions of the collector, to measure her tonnage for registration, application having been made in the usual way, it being understood that she had been sold by government, and intended, as was alleged, to be sent to China by the owners. Her gross tonnage proved to be 529, of which the engine and boilers took up 296 tons; the name "Scylla, of London," being subsequently painted on her stern, as required by the act, and her official number and tonnage cut on main beam. On the 8th of October she was taken into one of the dry-docks or basins at Sheerness dock-yard, for the purpose, it was stated, of removing (by admiralty order) all the gun-fittings, chains, cables, anchors, &c., belonging to government.

About a week afterward she came out of dock and was placed alongside Her Majesty's ship Cumberland, where she received her masts, and finally took up her berth among the other gun-boats lying near the opposite shore, where she remained until her departure.

There was nothing in her appearance or movements to attract the suspicion of our officers, and no duty requiring their attendance on board, the officers being further under the impression that she was still under the hands of the dock-yard artificers. She happened, however, to be visited again by Mr. Todhunter, the coast-officer, on the evening before she left, who states that she was then only very partially rigged, her spars and ropes lying about the deck, which presented all the confusion of a vessel undergoing repair, (the riggers being then engaged upon her,) and apparently in no condition to put to sea for some time to come. There was no captain on board and no regular crew, the mate being the only officer, with a few men (loafers) picked up at Sheerness for the purpose of trying her engines when ready.

Our officer also remarked on going over the vessel that there were no guns, gun-carriages, naval or military stores, on board, and, up to that time, nothing to indicate a war-vessel beyond her original build.

I have been unable to learn the cause of her sudden departure, which must have been effected secretly during the night of the 24th ultimo, or early on the morning of the 25th. Her flight must have been very precipitate, as she started without her water-tanks, which were on their way to her from London, and she left behind her a quantity of coals lying in barges alongside.

No communication was made to the collector on the subject, from the fact that the officers had no suspicion of her whatever, and when she had disappeared it was supposed she had merely run out to try her machinery.

She left without victualing-bill or clearance, and there does not appear to be any neglect of duty on the part of the customs-officer on this matter.

Respectfully submitted.

(Signed) CHARLES BERNARD.

No. 11.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *December* 4, 1863. (Received December 4.)

SIR: I am commanded by my lords commissioners of the admiralty to transmit herewith, for the information of Earl Russell, a copy of a letter, dated the 3d instant, from Vice-Admiral Sir George Lam-
[621] bert, with his inclosure from the captain superintendent *of Sheerness dock-yard; also a copy of a communication, dated 2d instant, from Vice-Admiral Sir George Lambert, with its inclosure, reporting as to the assistance rendered by men from the dock-yard in fitting the Rappahannock, late Victor, for sea; and I am to state that the further information required from Captain Hall, in charge of the steam-reserve in the Medway, will be sent as soon as it shall have been received.

Although these letters, with those already sent to the foreign office, will put Earl Russell in possession of all the circumstances connected with the sale of the Victor, it may be advantageous to give the history of the case in a short and connected form.

In December, 1861, the Victor was reported to require large repairs, and in the usual annual survey some portions of her were reported rotten.

In July, 1862, she was examined by Captain Sherard Osborn, and found to be so defective that he declined to purchase her for the Chinese government.

On the annual survey of 1863 it was reported that additional defects had been discovered since the last survey, and it was not thought expedient to order any repairs to be taken in hand.

In July, 1863, Messrs. Gordon Coleman & Co. applied to be allowed to purchase her. There was nothing unusual in this offer, since it has frequently happened that parties desirous of purchasing worn-out ships of war ascertain what ships are likely to be sold, and make offers for them, although they may not have been advertised for sale.

The dock-yard officers reported her value for sale, with fixtures, to be £9,375, and recommended that she should be sold, and Messrs. Coleman agreed to purchase her for that sum.

On the 19th of September Messrs. Coleman applied to have the Victor docked, "for the purpose of cleaning her pipes and inspecting her bottom prior to taking the vessel away, and in order to enable them to take her away under steam."

This being a reasonable request, was granted; and on the 8th of October the Victor was docked.

On the 12th of October Messrs. Coleman, whose offer to purchase the masts, yards, and sails, with the vessel, had not been accepted, applied to have them put on board at their own expense. This application was referred to the foreign office, and at the desire of Earl Russell refused.

On the 2d of November an order was given to the captain superin-

tendent of the dock-yard to deliver the Victor, with her machinery and fixtures, but without masts, rigging, or sails, to any person producing their lordships' order.

About the 10th of November the Victor was, in consequence, given over to the purchasers, care having previously been taken to remove all stores (except fixtures) and also the pivots and other fittings for her guns.

It was afterward observed that the name "Scylla, of London," had been painted on her stern, and that she was preparing for sea, and it was given out that she was fitting for the China trade.

On the 19th of November the Scylla was masted by the Cumberland, Captain Hall, as stated in his letter of the 2d instant, having been glad of an opportunity of testing the derrick, newly fitted in the Cumberland for masting gun-boats. Captain Hall does not appear to have entertained any suspicion of the real destination of the vessel, but he certainly acted without due consideration in acceding to the request made to him without having previously obtained the sanction of the commander-in-chief at Sheerness.

The subsequent proceedings are fully detailed in Captain Wise's letters of the 1st and 3d instant.

There seems to be no doubt that men belonging to the dock-yard have been induced to assist in fitting out this vessel, and that some of them have assisted in taking her to Calais.

Earl Russell will observe that the laborers who have absented themselves without leave have been discharged, and that the boiler-makers who have infringed the factory rules by absenting themselves for three days without leave will also be discharged.

With reference to the eight riggers who are suspected of having gone to Calais in the vessel, they appear to have obtained leave in the usual manner, and to have returned to their work at the expiration of their leave. They have not, therefore, committed any breach of the dock-yard regulations, and my lords will leave it to Earl Russell to decide whether any measures shall be taken with regard to them.

Finally, my lords are glad to find that the foreman of riggers has taken no active part in this transaction, and that the information
[622] given by him of the dimensions of the *rigging is such as he might fairly give while ignorant of the intentions of the purchasers of the Victor.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 11.]

Vice-Admiral Sir G. Lambert to the secretary to the admiralty.

FORMIDABLE, *at Sheerness, December* 3, 1863.

MY LORD: In compliance with the directions of the lords commissioners of the admiralty, conveyed in your telegram of yesterday's date, to report all information that can be obtained relating to the fitting out of the Victor, I beg leave to inclose a letter from Captain Superintendent Wise on the subject, and to state that in consequence of a heavy gale blowing all day, Captain Hall has been prevented from sending me the information I have called for with reference to the steam-reserve, but it shall be forwarded by to-morrow's post.

2. The Scylla (late Victor) having been masted by the Cumberland, was reported in my letter of yesterday's date. With reference to (the amended) paragraph 8 of the steam-reserve instructions, I have inquired of the captain superintendent, and I find that authority was not asked for, or given by him, for masting the vessel by the

men of the steam-reserve, and I may also add that no authority to do so was given by me.

3. While seeking for information relating to the Victor, I have heard it rumored that it is intended to fit out the Amphion, recently sold at this port, for similar service.

Her slow speed and defective state would make this appear improbable, but I know that the engineer of the dock-yard was requested by the purchasers to go on board the Amphion and report on the state of her machinery, which he very properly declined to do unless under the directions of the superintendent.

I have, &c.,
(Signed) GEORGE LAMBERT.

[Inclosure 2 in No. 11.]

Captain Wise to Vice-Admiral Sir G. Lambert.

SHEERNESS YARD, *December* 3, 1863.

SIR: In reply to your letter of this date, calling upon me to report confidentially all the information I can obtain relative to fitting out the Victor, and whether masted, rigged, or any dock-yard men were employed out of dock-yard hours in fitting her; also whether any men employed in the dock-yard went to sea in her, and whether any officers and men of reserve gave any assistance in fitting or engaging men for her, I have the honor to report that some riggers and boiler-makers were hired by the owners of the Scylla, late Victor, and worked on board of her out of the dock-yard hours during her stay at this port. Eight riggers obtained four days' leave on the 25th ultimo. Six of them came back to their work on the 28th, being absent three days; the other two came to their work on Monday, the 30th.

The Scylla left this port on the night of the 24th ultimo. I am unable to state for certain that these eight riggers went to sea in her, but from what I can glean they did go to Calais with the vessel.

Two laborers have been discharged from this yard for being absent six days without leave, and it is reported they went in this vessel. On the 1st instant eight of the best boiler-makers in the factory asked for a month's leave, which I refused; they have since absented themselves, and it is reported they have gone to Calais to work on her boilers. These men will be discharged to-morrow for being absent three days without leave, in accordance with the 8th article of the factory rules and regulations.

I do not think any officer in this establishment has assisted to enter men for this vessel, but no doubt, from what I can hear, agents have been at Sheerness and tried hard to induce the men of this yard to leave the government employ, and I believe the eight boiler-makers were enticed away, as well as one fitter, who was discharged by his own request, and is said to be in the Scylla as an engineer.

[623] *A rivet-boy has this day asked for his discharge, and he informs me he has engaged himself as an assistant steward in this vessel, and I have desired him to give the usual six days' warning before he can receive his discharge.

It has been said that Mr. Rees, foreman of riggers, has taken an active part in the outfit of this vessel. Having sent for that officer, he assures me he has not, and that the only part he has taken is that he was asked by the owners to furnish them with the dimensions of a gang of rigging, which he did, and that he has not received a farthing for giving this information.

The Scylla was masted by the Cumberland, which circumstance was reported yesterday by Captain Hall; and I am not aware that any assistance has been given by the officers and men of the reserve to fit the vessel for sea, but I would submit that Captain Hall, of the steam-reserve, should be asked to furnish that information.

I have, &c.,
(Signed) C. WISE.

[Inclosure 3 in No. 11.]

Captain Hall to Vice-Admiral Sir G. Lambert.

CUMBERLAND, *Sheerness, December* 2, 1863.

SIR: In reply to your directions, forwarded with the telegram, "Were masts put into Victor by Cumberland? and report fully the circumstances," I have the honor to report that—

1. Having been applied to on behalf of the owners of the Scylla, of London, to mast her, I most willingly complied, for the derrick had only been up three days and rigged

barely forty-eight hours. I was anxious to ascertain correct angle for its droop to enable me to secure the topping-lift; measure the length of the fore and aft guys, place to secure them; and especially as to whether there would be much surging of the fall round the capstan and its best lead. Her great length has enabled me to make such arrangements as would be necessary in masting and dismasting similar vessels in Her Majesty's service and for which purpose the derrick has been erected.

2. I should have performed the same act for any collier or merchant-ship under similar circumstances, as I have ever deemed it my duty, whenever I have been in command, to afford gratuitous assistance, as far as lay in my power, to our mercantile marine, whenever Her Majesty's service did not suffer, and especially when private trade at the port was in no way interfered with by such proceedings.

I beg to append an extract from the log of Her Majesty's ship under my command.

I have, &c.,
(Signed) W. KING HALL.

FORMIDABLE, *at Sheerness, December* 2, 1863.

Transmitted to be laid before the lords commissioners of the admiralty in reply to your telegram of this day.

(Signed) G. R. LAMBERT.

[Inclosure 4 in No. 11.]

Extract from the log-book of Her Majesty's ship Cumberland.

Monday, 16th November, 1863, p. m.—Hands employed stepping shears.
Tuesday, 17th November, 1863.—Hands employed fitting shears.
Thursday, 19th November, 1863, p. m.—Employed masting Scylla, of London.

(Signed) W. KING HALL, *Captain.*

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[624] *No. 12.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *December* 5, 1863. (Received December 5.)

SIR: With reference to my letter of the 4th instant, I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Vice-Admiral Sir George Lambert, dated the 4th instant, with copy of its inclosure from Captain Hall, stating that there were not any officers or men belonging to the steam-reserve at Sheerness under his command employed in fitting out the Rappahannock, late Victor, or engaging men for her.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 12.]

Vice-Admiral Sir G. Lambert to the secretary to the admiralty.

[Confidential.]

FORMIDABLE, *at Sheerness, December* 4, 1863.

MY LORD: In continuation of my letter of yesterday's date, I inclose a letter from the captain of the steam-reserve stating that, as far as can be ascertained, no officers or men under his command have been employed in fitting out the Victor, or in engaging men for her beyond that communicated in his letter of the 2d instant, already transmitted to be laid before their lordships.

2. I find on inquiry from Captain Hall that he has questioned the commander, the staff commanders, the officers, and the warrant-officers under his command, and that none of them, and (as far as can be ascertained) none of the men of the reserve, were employed upon the Scylla, nor have any of them gone to sea in the vessel.

3. The only officer who has not been questioned with a view to obtain the information sought for is Mr. Rumble, inspector of machinery, who is absent on admiralty leave.

4. He has been served with a subpœna to attend a trial to-morrow in London, and I have sent directions for him to return hither immediately after the trial, (notwithstanding his leave of absence,) in order to complete the inquiry by questioning him on the subject.

I have, &c.,
(Signed) GEORGE R. LAMBERT.

[Inclosure 2 in No. 12.]

Captain Hall to Vice-Admiral Sir G. Lambert.

CUMBERLAND, *Sheerness, December* 3, 1863.

SIR: I have the honor to report that no officers or men of the steam-reserve have been employed in fitting out and engaging men for the Victor, beyond that communicated in my letter of yesterday's date, so far as I can ascertain.

I have, &c.,
(Signed) W. K. HALL.

No. 13.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, December 5, 1863. (Received December 5—3 p. m.)

MY LORD: I have the honor to submit to your consideration a copy of a letter from Mr. Morse, consul of the United States at this place, and copies of the depositions of Wm. Wynn, Joseph Murray, Thomas Kelley, Henry Barraclough, and James Tucker, in relation to the proceedings in connection with the fitting out of the steamer Victor at Sheerness for the use of the insurgents in the United States, and the enlistment of men for service in that vessel.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

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[625]

*[Inclosure 1 in No. 13.]

Mr. Morse to Mr. Adams.

UNITED STATES CONSULATE,
London, December 2, 1863.

SIR: I herewith inclose the affidavits of William Wynn, Joseph Murray, and Thomas Kelley, in reference to the confederate steamer Rappahannock, now in the port of Calais, France. They show very conclusively that she is a rebel privateer, that she escaped from an English port in an unfinished state, and is now completing her repairs and outfits in equipments in a French port, and where and who engaged the crew to go in her. Other affidavits, showing other features of the case, will be sent to you in a short time.

(Signed) F. H. MORSE.

[Inclosure 2 in No. 13.]

Affidavit of William Wynn.

I, William Wynn, boarding-house keeper, at present residing at 22 Lower Berners street, Commercial Road, east, do hereby truly, sincerely, and solemnly swear that a

boarder, named Charles Bennett, informed me that he had shipped on board a ship to run the blockade; not liking the advance-note, I applied to the broker's, Robert Gordon Coleman, No. 28 Clements Lane, Lombard street, respecting it. They satisfied me that it would be paid, and requested me to procure eleven seamen for the same ship, which on the 26th November I supplied, and they went to the railway-station at London bridge to meet a person calling himself Captain Brown, whom I had first met at the broker's, Robert Gordon Coleman; and tickets were purchased by the so-called Captain Brown for Calais for them, (the men,) with about twenty-eight or thirty others, on Friday evening, the 27th November. The men I supplied were to receive £3 15*s.* per month, in a ship called the Scylla, or Stella, (*pro tem.*,) captain's name Anson, (*pro tem.*) The seamen, Joseph Murray and Thomas Kelley, were two of the eleven; Charles Bennett, named above, is still on board.

The men were shipped to join the ship in the Downs, for a voyage to Jamaica.

(Signed) WILLIAM WYNN.

Sworn at my office, No. 5 White Hart Court, Lombard street, in the city of London, this second day of December, 1863, before me,

(Signed) JOHN J. ANDREW,
A London Commissioner to administer Oaths in Chancery.

[Inclosure 3 in No. 13.]

Affidavits of Joseph Murray and Thomas Kelley.

We, Joseph Murray, at present residing at Mr. W. Wynn's, 22 Lower Berners street, Commercial Road, east, and Thomas Kelley, at present residing at Mr. Waters's, 12 Ellen street, Back Church Lane, seamen, do hereby truly, sincerely, and solemnly swear that we were taken on Thursday, the 26th of November last, by Mr. Wynn, to No. 28 Clements Lane, and there introduced to a gentleman called Captain Brown, who engaged us for a ship lying in the Downs, named Scylla or Stella, for a voyage to Saint Thomas or Jamaica for twelve months, at £3 15*s.* a month; but it was understood that after we were on board a new arrangement was to be made and articles signed. We were told the ship was an English ship going to run the blockade. On Friday evening, the 27th instant, we went to the railway-station, London bridge, and were sent to Dover with others, about forty in all. Upon arrival at Dover the so-called Captain Brown and a gentleman called the owner, sent us to a hotel, and in the morning of the 28th of November we went to Calais in a packet. Upon arrival at Calais we went on board a ship then called the Rappahannock, and we were called aft, and the captain on board said he was surprised that they (the men) should have been sent down, as he would not be ready for a fortnight, and that he had ordered Captain Brown to send him down 100 able-bodied men, and that he did not wish the [626] men should come on board in the *harbor, but had intended to have taken them off the packet before she had arrived, and that the ship was not in a condition to receive the crew, as the ship was undergoing repairs before going to sea. The captain on board in command, when he called us aft the first time, said to us, "Now, you men know what you are engaged to do; you are now on your own hook, and whatever plunder you can make at sea the better for you. You are now going privateering, the same as the Alabama and the Florida. You men are going to fight for money, and I am going to fight for glory." Words to this effect were repeated several times, as he saw that most of us were discontented. We objected to stay by her, and he said that he (the captain) only wished that he had us at sea, and he would show us what discontent was. After several conversations the master said he would not take the discontented ones, and that all that wished to leave might go. This was on Monday last, the 30th November; and at 2 a. m., the 1st of December, twenty-one of us were sent back to London.

(Signed) JOSEPH MURRAY.
his
THOMAS + KELLEY.
mark.

Witness to mark of Thomas Kelley:
(Signed) JOSHUA NUNN.

Sworn by the deponent, Joseph Murray, at my office, White Hart Court, Lombard street, in the city of London, this 2d day of December, 1863, before me,

(Signed) JOHN J. ANDREW,
A London Commissioner to administer Oaths in Chancery.

Sworn by the deponent, Thomas Kelley, at No. 5 White Hart Court, Lombard street, in the city of London, this 2d day of December, 1863, the witness to the mark of the

deponent being first sworn that he had truly, distinctly, and audibly read over the contents of the above affidavit to the said deponent, and that he saw him make his mark thereto. Before me,

(Signed) JOHN J. ANDREW,
A London Commissioner to administer Oaths in Chancery.

[Inclosure 4 in No 13.]

Affidavit of Henry Barraclough.

I, Henry Barraclough, of King's Head Alley, Sheerness, fireman and boiler-maker, late in Her Majesty's dock-yard, Sheerness, do hereby solemnly swear that about two months since I and others heard hands were wanted for the Scylla, of London, late Her Majesty's steamer Victor. I went to Mr. Rumble, chief inspector of machinery afloat; he promised to speak for me to the mate of the Scylla, Mr. Ramsey. I saw Mr. Ramsey near the Fountain Hotel last Tuesday week, in the morning. He said to me, Mr. Rumble has been speaking to me about you, and said if you came on board at 1 o'clock this afternoon I will ship you. I did go on board, and he said, "Here you are, my lad." I said, "Yes;" and he said, "I will ship you as a fireman at £8 per month for the trial-trip, which is not to exceed fourteen days, but it may be only three days; and I will send you home at the owner's expense to Sheerness in case you do not like to ship for the voyage or our articles." I said, "Very well;" and he told me to go forward and tell the cook to give me anything to eat there was on board. I remained on board until I landed in Calais on Friday last. There were hammocks, blankets, and bedding provided for the crew. On Tuesday week night we left about midnight. The Scylla was anchored off Westminster. The mate gave the order to weigh anchor, which was done. Mr. Rees, the master-rigger, was on board, but he left in the tug when we had been about three hours at sea; therefore he did not go to Calais with us. I have received all the money due to me, and am satisfied with the treatment I received. When I was called (on board by the captain) aft to sign articles, he told us all that the ship was a confederate man-of-war; that the same rules would be observed as in any other regular man-of-war, but the lash would not be used.

In my opinion she is as good a ship as any I ever worked upon in Her Majesty's service, but the boilers are out of repair. The riggers on board were working in the dock-yard, and had leave of absence, which was sanctioned by the captain of the
[627] yard. *The ship left Sheerness very suddenly, and no guns or munitions of war were received on board in the Downs.

(Signed) HENRY BARRACLOUGH.

Sworn at my office, No. 5 White Hart Court, Lombard street, in the city of London, this 3d day of December, 1863, before me,

(Signed) JOHN J. ANDREW,
A London Commissioner to administer Oaths in Chancery.

I, James Tucker, of King's Head Alley, Sheerness, do solemnly swear that I was present with Henry Barraclough during the whole time he remained on board the steamship Scylla, late Her Majesty's steamer Victor, and do hereby swear to the truth of the above affidavit of Henry Barraclough in every particular. I am well satisfied with the treatment I received, have been paid, and have no objection to go in the ship.

(Signed) JAMES TUCKER.

Sworn at my office, No. 5 White Hart Court, Lombard street, in the city of London, this 3d day of December, 1863, before me,

(Signed) JOHN J. ANDREW,
A London Commissioner to administer Oaths in Chancery.

No. 14.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *December* 5, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of this day's date, transmitting copies of the depositions relative to the

fitting out of the steamer Victor, otherwise Rappahannock, at Sheerness, and I have to state to you that the same shall be considered by Her Majesty's government.

I am, &c.,
(Signed) RUSSELL.

No. 15.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *December* 11, 1863. (Received December 11.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter of the 10th instant, from Vice-Admiral Sir G. Lambert, forwarding explanations from Mr. Rumble, inspector of machinery afloat, and from Mr. Rees, master-rigger of Sheerness dock-yard, relative to the deposition of Henry Barraclough, with reference to the case of the Scylla, of London, late Victor, and I am to state that Mr. Rumble has been called upon for further explanations.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 15.]

Rear-Admiral Sir G. Lambert to the secretary to the admiralty.

FORMIDABLE, *at Sheerness, December* 10, 1863.

MY LORD: In compliance with the directions of the lords commissioners of the admiralty, contained in your letter of the 8th instant, I inclose explanations from Mr. Rumble, inspector of machinery afloat, and from Mr. Rees, master-rigger in the dock-yard, with reference to the deposition of Henry Barraclough.

[628] *2. Although the deposition of this man has been given under an assumed name, yet the information furnished by him appears to be substantially correct.

I am, &c.,
(Signed) G. R. LAMBERT.

[Inclosure 2 in No. 15.]

Captain Wise to Vice-Admiral Sir G. Lambert.

SHEERNESS YARD, *December* 10, 1863.

SIR: In compliance with the directions contained in your letter of the 9th instant, inclosing a copy of an extract from a deposition by Henry Barraclough as to the "circumstances under which he was engaged to serve on board the confederate vessel Rappahannock, late Her Majesty's gun-vessel Victor," I have the honor to inclose a letter from Mr. Rees in explanation of his having been on board that vessel when she put to sea at midnight on the 24th ultimo.

I beg to observe that there is no man of the name of Henry Barraclough, and never has been, in this dock-yard or factory.

I have, &c.,
(Signed) C. WYSE.

[Inclosure 3 in No. 15.]

Mr. Rumble to Captain Hall.

STEAM-RESERVE OFFICE,
Sheerness Yard, December 9, 1863.

SIR: With reference to your order to report on the circumstances of my recommending a stoker, a boiler-maker employed in this dock-yard, for service on board the Scylla, I beg to inform you that several men came to me from time to time to ask for employment on board of the Scylla, of London, (as stated in this man's deposition,) and I directed them to the mate of the vessel, who was fitting her out and entering men.

I have no knowledge whatever of the man whose deposition has been forwarded to you from the foreign office.

I have, &c.,
(Signed) W. M. RUMBLE,
Inspector of Machinery Afloat.

[Inclosure 4 in No. 15.]

Mr. Rees to the master attendant, Sheerness dock-yard.

SHEERNESS YARD, *December* 10, 1863.

SIR: In compliance with your request to furnish a written statement, in accordance with the superintendent's minute of the 9th instant, as to the statement made by Henry Barraclough, who states that he was originally a foreman, or boiler-maker in this yard, and subsequently joined the Scylla, of London, I beg to inform you that I was on board that ship on the occasion referred to on a visit to Mr. Ramsey, the mate, who told me that he intended taking the ship out to the Little Nore, preparatory to a trial-trip the following day. I having ordered a waterman's boat to fetch me, but who did not make his appearance, I was under the necessity of asking the mate to allow the tug to land me, which he did.

And I beg still further to state that I had no knowledge or suspicion that the vessel was going to sea, or that she was other than that of a vessel bought for mercantile purposes, and preparing for a China voyage.

I have, &c.,
(Signed) W. REES,
Foreman of Riggers.

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[629] *No. 16.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, December 12, 1863. (Received December 12.)

MY LORD: I have the honor to transmit the copy of another deposition, furnished to me by Mr. Morse, the consul of the United States at London, going to show the nature of the proceedings that have taken place at Sheerness in connection with the sale of Her Majesty's steamship Victor.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure in No. 16.]

Deposition of Richard Spendiff.

I, Richard Spendiff, of Brightman's Court, Mile Town, Sheerness, do hereby truly, sincerely, and solemnly swear that I am a laborer; and on Tuesday, the 24th of November last, in company with a man named Maloney, went to see Mr. Rumble, (hav-

ing previously seen him about going to work on board the Scylla,) and got a note from him (Mr. Rumble) to an officer on board. I went on board the Scylla, late Her Majesty's steamship Victor, in Sheerness Harbor, and saw the captain, a person who acted as agent, and Mr. Rumble, in the cabin. They offered me and others £6 for the trip, which we refused. Mr. Rumble said he thought it was quite enough, but we wanted £8. This they agreed to give each of us, and £1 5*s.* 6*d.* each to pay our fares home. We then signed an agreement to go, (I as leading stoker.) We did not expect to go for some days, but, in consequence of something that occurred, we went to sea that night, and arrived in Calais Wednesday night, and went into harbor the next day, Thursday, the 26th of November. Soon after we left Sheerness the ship's name was painted out of her stern.

Her Majesty's steamship Victor, while in ordinary, used to lie at her moorings on the west shore, Sheerness Harbor. After she was sold she went into the basin in the dock-yard, and was calked all over, except her lower deck. This took about ten days. She then went back to her old mooring, and remained several days; then she went alongside Her Majesty's ship Cumberland, and on Saturday, the 21st November, had her lower masts put in from off that ship, the Cumberland. She went to another part of the harbor, off a place called Westminster. This was more convenient for the dock-yard men to go to and fro. Some of her stores, rigging, &c., were put on board from sailing-barks from London, as well as her coals, 150 tons, or thereabouts, which we stowed in her bunkers. The water (two casks) was put on board from the dock-yard sailing-tank about 1 or 2 o'clock in the afternoon, as we sailed at night. The Victor, or Scylla, had six boilers. Only five of them could be used when we left, and on the run two others broke down, so that we had three useless, viz, the high and low port and the high starboard boilers. When we left her the only boilers in working-order were the fighting ones. The magazine was in good condition, having been repaired since she was sold. The eye-bolts to work her broadside guns were in; her lower masts were not wedged after having been put in from the Cumberland; her standing-rigging was on and set up, but not rattled down. She had no sails bent when she left the port of Sheerness. She had about eight riggers from the dock-yard at work at her rigging. These men continued to work on her rigging during her run to and after her arrival at Calais. Mr. Rees, the master-rigger of Sheerness dock-yard, was on board when we left Sheerness, but returned in the tug. When she left Sheerness she was prepared to sling hammocks for about 150 men, the hammock-hooks being in their places and the hammocks on board. The bedding for the same number of hammocks, with blankets, and remaining part of her stores, was put on board from the tug-boat that towed her to sea, after leaving Sheerness, coming alongside for that purpose. There was no water on board for a voyage; only the two casks before named. When we left for Sheerness, I consider (with my experience of seventeen years in the navy) she was not in a fit state to go to sea. When we arrived at Calais a new captain came on board, who told us he had been chief mate of the Alabama. He ordered all hands up, and asked us if we would enter the confederate service. He said he would give each a bounty of £10, besides £8 per month, if we would sign articles for twelve months. He said the ship was a confederate man-of-war; she was to have eight guns, and was to go to
[630] the Downs and then to the north of *Ireland; but that we might have to fight the American cruisers, as there were three of them outside the harbor waiting to catch us, and we should have to fight or run. He said my ship, the Rappahannock, was to cruise the same as the Alabama and Florida, and that we were to cruise for prize-money. On the 1st December eight boiler-makers went over to Calais from the dock-yard to work on board the ship. There were some men working on board the Scylla as stokers before I joined her. They came from Woolwich. I do not know their names.

(Signed) his RICHARD + SPENDIFF. mark.

Witness to the mark of Richard Spendiff:
(Signed) JOSHUA NUNN.

Sworn by the deponent, Richard Spendiff, at my office, No. 11 Birchin Lane, in the city of London, this 8th day of December, 1863, the witness to the mark of the deponent being first sworn that he had truly, distinctly, and audibly read over the contents of the above affidavit of the said deponent, and that he saw him make his mark thereto.

Before me,
(Signed) WILL'M MURRAY,
A London Commissioner to administer Oaths in Chancery.

No. 17.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *December* 15, 1863. (Received December 15.)

SIR: With reference to my letter of the 11th instant respecting the case of the Scylla, of London, late Victor, I am commanded by my lords commissioners of the admiralty to transmit herewith, for the information of Earl Russell, copies of two letters, dated the 9th and 14th instant, from Vice-Admiral Sir George R. Lambert, forwarding explanations from Mr. Rumble, inspector of machinery afloat at Sheerness, of his proceedings with regard to the fitting out of, and engaging men for, the Scylla, together with copy of my letter of the 10th instant to Sir George Lambert upon this subject.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure 1 in No. 17.]

Vice-Admiral Sir G. Lambert to the secretary to the admiralty.

FORMIDABLE, *at Sheerness, December* 9, 1863.

MY LORD: In continuation of my letter of the 3d instant, I inclose a letter from the inspector of machinery afloat, reporting how far he was employed in fitting out and engaging men for the Victor.

I have, &c.,
(Signed) GEORGE LAMBERT.

[Inclosure 2 in No. 17.]

Captain Hall to Vice-Admiral Sir G. R. Lambert.

CUMBERLAND, *Sheerness, December* 9, 1863.

SIR: Having met Mr. Rumble, the inspector of machinery, in London, in compliance with your memorandums, dated 4th December, I directed him to return to this port for the purpose of inquiry connected with your memorandum of 3d December, respecting the fitting out and engaging men for the Victor, a copy of which memorandum has been given to Mr. Rumble, and his reply herewith forwarded for your information.

I have, &c.,
(Signed) W. K. HALL.

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[631] *[Inclosure 3 in No. 17.]

Mr. Rumble to Captain Hall.

STEAM-RESERVE OFFICE, HER MAJESTY'S DOCK-YARD, SHEERNESS, *December* 9, 1863.

SIR: In reply to your letter as to whether I have assisted in fitting out and engaging men for the Victor, I beg to inform you that the owners of that vessel wrote a note to me when the ship was in dock, asking me to inspect and point out any repairs necessary to be done to that ship's engines, &c. This note I showed to Captain Wise, and, during the time the ship was in dock, I examined engines, boilers, &c., as I would have done for one of our own ships.

Subsequently, and before the ship left the basin, a gentleman whose name was Mr. Ramsay, and who introduced himself as the mate of the ship, often came to me and asked me questions relative to the ship's speed, stowage of coals, &c., at the same time stating if there were any men to be had to fit out the ship, and I would send them to him, he would employ them.

When the steam was got up to try the engines, boilers, &c., as a point of duty, and for my own information, the vessel having been fitted for the second division, and de-

sirous of ascertaining the effect of long standing upon the machinery, I went on board. The tubes of the boilers being very leaky, I told the captain superintendent, and also the captain of the steam-reserve, and suggested that I thought we should occasionally get up steam in some of the vessels to try the tubes, reverting to the case of the Meeanee and Arethusa's tubes. During the period of the ship's fitting out, the mate called at my house in the evening, and was several times a guest at my house, being a well-educated Scotchman, and told me he had served in China in the transport service. The day the vessel left this port I was ordered on board by the captain superintendent, to see if there were any government articles on board that did not belong to the ship, and I reported that I found nothing. Several of the tradespeople of this place were employed on board the vessel, Mr. Ramsay making use of my name as a guarantee for the payment of the bills, and, to my surprise, the vessel left the harbor several days before I expected, leaving the bills unpaid. Being on subpœna on a trial, and not being required for a day or two, I went over to Calais to see Mr. Ramsay, to get the money to pay these bills. He took me to the captain of the vessel, who refused to have anything to do with me, and I am now responsible for bills to the amount of £432.

Beyond this statement I engaged no men, nor was I any otherwise engaged in fitting out the vessel.

I am, &c.,
(Signed) W. M. RUMBLE,
Inspector of Machinery Afloat.

[Inclosure 4 in No. 17.]

The secretary to the admiralty to Vice-Admiral Sir G. Lambert.

ADMIRALTY, *December* 10, 1863.

SIR: With reference to your communication of the 9th instant, and the statements made by Mr. Rumble, inspector of machinery afloat, that Mr. Ramsay, mate of the Rappahannock, late Victor, used his, Mr. Rumble's, name as a guarantee for the payment of tradesmen's bills, I am commanded by my lords commissioners of the admiralty to signify their direction to you to call upon Mr. Rumble to state whether he authorized his name being thus made use of, or in what manner he has become responsible for the bills.

Mr. Rumble is also to state more clearly whether he assisted in engaging men for the repairs of machinery, or for service in the vessel, and whether he had any information of her intended employment.

I am, &c.,
(Signed) W. G. ROMAINE.

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[632] *[Inclosure 5 in No. 17.]

Mr. Rumble to Captain Hall.

[Confidential.]

SHEERNESS, *December* 14, 1863.

SIR: In compliance with your order calling upon me to state how I became guarantee for the payment of tradesmen's bills contracted by Mr. Ramsay, mate of the Rappahannock, late Victor, I beg to state that Mr. Ramsay did not represent himself as mate of the Rappahannock, but of the Scylla, and in that capacity he asked me to give him the names of the most respectable tradespeople in this town to deal with, and I having done so, the tradespeople consider me responsible. Whether this be legally right or not I do not know, but I feel morally responsible, from the fact of my having recommended him to those people, and therefore I felt in duty bound to interest myself for the recovery of the bills.

With reference to the second paragraph, viz, to state more clearly whether I assisted in engaging men for the repairs of machinery or for service in the vessel, and whether I had any information of her intended employment, I beg to state that I did not assist in engaging men for the repairs of machinery or for service in the vessel named, neither did I know anything of her intended employment, further than that she was going to China.

I have, &c.,
(Signed) H. M. RUMBLE,
Inspector of Machinery Afloat.

No. 18.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *December* 16, 1863.

SIR: The circumstances connected with the sale and subsequent removal from Sheerness of the vessel now called the Rappahannock, but formerly Her Majesty's gun-vessel Victor, to which you called my attention in your letters of the 28th November and 5th December, have engaged the serious attention of Her Majesty's government; and I have the honor to inform you that Her Majesty's government are fully determined to take such steps as may legally be within their power to put in force the laws of this country against any persons who in this matter may appear to have transgressed them.

As regards the other vessels which, in your letter of the 28th November, you state that you have reason to believe may be charged with the materials for the armament, and possibly with a portion of the crew of the Rappahannock, I have the honor to state to you that the collector of customs at Plymouth has reported that the Agrippina, which arrived at that port, wind-bound, on the 20th November, sailed again on the following morning for Bermuda, having not shipped at Plymouth either cargo, crew, or passengers, and with her hatches battened down and her boats stowed away in the usual manner for a long voyage.

The Harriet Pinckney, whose destination was also Bermuda, put into Plymouth under stress of weather on the 21st November, and has been obliged to discharge her cargo there in order to obtain necessary repairs, the completion of which will probably require considerable time.

I am, &c.,
(Signed) RUSSELL.

No. 19.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, *December* 16, 1863. (Received December 17.)

MY LORD: I have the honor to submit to your consideration a copy of an extract from a letter addressed to me by Mr. Morse, the consul of the United States at London, together with an official copy of a paper which appears to prove that the vessel which escaped from Sheerness the other day, and now goes by the name of the Rappahannock, at Calais, is actually owned and held by Robert Gordon Coleman, a British subject, doing business at No. 28 Clement's Lane.

I trust I need not point out to your lordship that this pro-
[633] ceeding involves either a *gross fraud or a case of hostile equipment attempted by one of Her Majesty's subjects. In either instance I cannot permit myself to doubt that Her Majesty's government will take suitable measures to sustain the neutrality of the country against violation.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 19.]

Mr. Morse to Mr. Adams.

UNITED STATES CONSULATE,
London, December 15, 1863.

SIR: I herewith forward to you an official copy of the register of the privateer Scylla, or Rappahannock. You will notice that she stands this day registered at the proper department of the English revenue service as a British ship. There has been no legal transfer, and the legal ownership at 3 o'clock this day was in Robert Gordon Coleman's name, No. 28 Clement's Lane, London. So far, therefore, as the true ownership is shown by the papers required to make a legal transfer, she is a British privateer under the rebel flag.

* * * * * * * *

English boiler-makers from Sheerness, and other mechanics, are still at work fitting her out, and seamen are almost daily sent to her from this country, in small numbers at a time.

I remain, &c.,
(Signed) F. H. MORSE, *Consul.*

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[634] *[Inclosure 2 in No. 19.]

FORM No. 219.

Copy register for transmission to chief registrar of shipping.

Official No. of ship 48,554.—Name of ship Scylla.

Port number.	Port of Registry.	British or foreign built.	Whether a sailing or steamship; if steam, how propelled.	Where built.	When built.	Number, date, and port of previous registry, (if any.)
448.....	London.	British..	Steam-screw ..	In the river Thames, for Her Majesty's government.	1857.....	.....

Number of decks, one; number of masts, three; rigged, bark; stern, square; build, carvel; gallery, none; head, woman figure; framework, wood.

TONNAGE.

	No. of tons.
Tonnage under tonnage deck	529.11
Closed-in spaces above the tonnage deck, if any; viz:	
Space or spaces between decks	
Poop	
Round-house	
Other inclosed spaces, if any, naming them	
	529.11
Deduct allowance for propelling power	296.56
Register tonnage	232.55

MEASUREMENTS.

	Feet.	Tenths.
Length from the fore part of the stem under the bowsprit to the aft side of the head of the stern-post	192	7
Main breadth to outside of plank	29	6
Depth in hold from tonnage deck to ceiling at midships	14	1

ADDITIONAL PARTICULARS FOR STEAMERS.

	Tons.
Deduction for space required for propelling power	296.56

Length of engine-room, (if measured)	73 feet 4.10 tenths.
Number of engines	2
Combined power, (estimated horse-power)	350

Names, residence, and description of the owners, and number of sixty-fourth shares held by each owner:

Robert Gordon Coleman, of 28 Clement's Lane, in the city of London, merchant ..... 64 shares.

NOVEMBER 6, 1863.

(Signed) EDWARD SHEPPARD, *Registrar.*

N. B.—To be addressed in an envelope to the chief registrar of shipping, custom-house, London.

No. 219.—*Copy of register for transmission to chief registrar of shipping.*

References to transactions. Changes of masters.

(Issued December 17, 1863.)

I hereby certify the foregoing copy of certificate of registry to be a true copy.

(Signed) H. MAYO, *Registrar-General.*

GENERAL REGISTER AND RECORD OFFICE OF SEAMEN AND SHIPPING,
London, December 17, 1863.

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[635] *No. 20.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *December* 17, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, inclosing further papers respecting the case of the Rappahannock; and I have to inform you that the same shall receive the consideration of Her Majesty's government.

I am, &c.,

(Signed) RUSSELL.

No. 21.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
December 23, 1863. (Received December 23.)

MY LORD: I have the honor to submit to your consideration a copy of a letter received from Mr. Morse, the consul of the United States at

this port, together with copies of seven depositions of persons who testify to the proceedings connected with the outfit and departure of the steamer Scylla, Victor, or Rappahannock, from Sheerness, and her later condition at Calais.

It is with the most profound regret that I am forced to the conclusion that the entire movement has been conducted with the connivance and direct aid of many of Her Majesty's officers stationed within the royal dock-yard at Sheerness. The testimony in regard to the masts furnished from the Cumberland; the supply of water and some stores; the aid of a government pilot; and the privity of many officers of the yard to the employment of the hands, appears to be very conclusive.

The agency of Mr. Coleman, a British subject, and the apparent owner of a vessel now pretending to claim the protection of the French government as a belligerent ship of war, seems also to require notice. Mr. Coleman is thus presented as a person carrying on war with the United States, or else he is making himself a party to a gross fraud upon the government of France, with the intent to violate the neutrality enjoined upon him by Her Majesty's proclamation.

I have felt it my painful duty to bring to your lordship's notice these particulars of this most extraordinary case, not from any doubt of the determination of Her Majesty's government, already signified to me, to do justice in the matter, but from a sense of an obligation to do everything within my power to contribute to the exposure of the offenders.

I pray, &c.,

(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 21.]

Mr. Morse to Mr. Adams.

UNITED STATES CONSULATE,
London, December 22, 1863.

SIR: I herewith inclose affidavits of Enoch Cohen, George Hill, James Nunn, Charles Newton, James Maloney, William O'Kelly, and George Bailey, in the case of the privateer Victor, Scylla, or Rappahannock.

Permit me to call your attention to the date of the advance note given to Charles Lull, a seaman, which was, some days after, paid by Robert Gordon Coleman, No. 28 Clement's Lane, London, who appears by the record evidence to be the lawful owner of the privateer Rappahannock, now under the confederate flag. The Victor, or Scylla, escaped from Sheerness on the evening of the 24th of November. The note was given when the man Bull was shipped, on the 25th of November, and was paid by Coleman on the 11th of December. So far as any recorded evidence shows ownership, the legal title to the rebel privateer Rappahannock is still in R. G. Coleman, a London merchant. The papers herewith and previously sent to you prove that he has interested himself in supplying his corsair, now under the confederate flag, since she left Sheerness, and since she hoisted that flag, with a large number of seamen. Mr. Coleman's connection with the purchase, fitting, and manning of the Rappahannock is too clearly established to be called in question.

[636] *Should it be urged, as a reason for not making any effort to re-claim the Rappahannock as a piratical British ship under a foreign flag, or to prevent her from proceeding to sea as a privateer, that an English ship can be sold to foreigners without a canceling of her register in this country, and that Mr. Coleman may have sold her since she left this country, we reply that so far as is known he is still the owner; that the legal record of ownership shows her to-day to be an English ship, and that it is incumbent on the authorities here to prevent her from piratical acts, or to show that all title to her has legally passed from citizens of this country to foreigners, and that she is now lawfully held by such foreigners.

It is a question of some interest to know how, in the present state of European law in reference to privateers, a rebel cruiser can commence her piratical career from a European port, with papers that will be respected, or rather ought to be respected, by

the maritime powers of Europe. Who has authority to issue such papers, and to claim for them the acknowledgment and respect of maritime States?

I would also respectfully ask your attention to the date of the engagement with the boiler-makers, at the Sheerness dock-yard, by Engineer Rumble, and Mr. Bagshaw, a foreman in the boiler department, in which transaction Mr. Greathead, a chief engineer in the royal navy, also participated, as paymaster to the families of the men at Sheerness, in the absence of Mr. Rumble. The engagement of these boiler-makers, to go to Calais to repair the boilers of the privateer Rappahannock, was five or six days after that steamer left Sheerness, and some four days after her arrival at the port of Calais, in France, under the rebel flag, and after she had been announced in the newspapers of England as a rebel privateer escaped from an English port.

Very sincerely, &c.,

(Signed) F. H. MORSE, *Consul.*

[Inclosure 2 in No. 21.]

Advance Note.

£3 15*s.* LONDON, *November* 25, 1863.

Three days after the steamship Stella, *pro tem.*, leaves Downs, pay to the order of Charles Bull (provided he sails in the said ship, and is duly earning his wages according to his agreement) the sum of £3 15*s.*, being one month's advance of wages.

(Signed) THOMAS ANSON, *for Master.*

Messrs. Gordon & Co.

Payable at 28 Clement's Lane, City.

The seaman must write his name on the back hereof; by this act he will understand he is conveying to another the value of the note. If he cannot write, his mark must be attested by a witness, not the discounter of recipient.

N. B.—The seaman must join the ship at the time appointed, or a substitute will be engaged. Ship lying in or ————. Time to join ————.

Sold by J. Omer, 99 Minories, London, Navigation Office.

Indorsed at back:

(Signed) his CHARLES + BULL. mark

Witness:

(Signed) N. COHEN.

This is the paper writing referred to in the annexed affidavit of Enoch Cohen, sworn before me this 11th day of December, 1863.

(Signed) JOHN CASTLE GANT,

A London Commissioner to administer Oaths in Chancery.

[Inclosure 3 in No. 21.]

Affidavit of Enoch Cohen.

I, Enoch Cohen, of No. 9 Palmer street, Spitalfields, do solemnly swear that the foregoing writing is a true and faithful copy of an original advance note, received by me from N. Cohen, tailor and outfitter, of Wells street, Wellclose square, to collect, the said note having been given to Charles Bull, able seaman, as advance for wages to be earned on board the steamship Stella, or Scylla, or Rappahannock, then lying at
[637] *Calais. I had two other advance notes from seamen named John Dewslip, A. B., and Abraham Butler, boy, which were given them at a public house in Royal Mint street. I received the money for the last two notes at the office of Mr. Robert Gordon Coleman, 28 Clement's Lane, and Charles Bull's note was paid me at Mr. Pearson's office, No. 9 Clement's Lane, by a Mr. Daley.

(Signed) ENOCH COHEN.

Sworn at my office, No. 57 Nicholas Lane, in the city of London, this 11th day of December, 1863, before me,

JOHN CASTLE GANT,

A London Commissioner to administer Oaths in Chancery.

[Inclosure 4 in No. 21.]

Affidavit of George Hill.

I, George Hill, of Hythe, Kent, sailmaker, late of Her Majesty's steam frigate Emerald, having been paid off from that ship about two months since, do solemnly swear that in the beginning of November last, upon applying to Mr. Rumble, Her Majesty's inspector of machinery afloat at Sheerness, for a ship, he sent me on board the screw-steamer Victor, to work as sailmaker. I remained on board until the 24th of November, on the night of which day the ship suddenly left for Calais. Upon arriving there, another captain took command, and wanted me to sign articles, at £10 a month, in her. I was then told that she was a confederate man-of-war, and was to have had £10 bounty. I refused to serve in her, and received £3 only, with which to return to London. Several of the men who joined her in Calais, signed articles there, after knowing what she was. When I joined her she had no masts in her. They were afterward put in by Her Majesty's ship Cumberland. The Scylla was but one-quarter rigged, and not in a fit state to go to sea, her rigging not being rattled down.

(Signed) GEORGE HILL.

Sworn 12th day of December, 1863, before me,

(Signed) JOHN CASTLE GANT,

A London Commissioner to administer Oaths in Chancery.

[Inclosure 5 in No. 21.]

Affidavit of James Nunn.

I, James Nunn, lately residing at No. 2 Union Row, Sheerness, able seaman, do solemnly and truly swear that on October last, while at work in Sheerness dock-yard, I was asked by Mr. Rumble, Her Majesty's inspector of machinery afloat at Sheerness, to join the screw-steamer Scylla, of London, and go to work upon her at once. He told me she was a merchant-ship, and was to be fitted up for the China opium trade. I went to work on her, at his recommendation. She was under the command of Captain Ramsay. On the 24th of November, at night, she suddenly left her port, and on the following day put into Calais harbor. Captain Campbell then took command, and I was told by him that she was a confederate man-of-war, and he asked me to join, but I refused. Before I left the ship forty men came from London to join her, but they all refused to sign articles, with the exception of seven, who remained on board and signed articles there. I received only £2 10*s.* for my month's work, and had to pay my carriage back to this port, and Captain Campbell detained my discharge. I am now destitute, and cannot obtain a ship in consequence of his detaining my discharge. While I was on board she was taken to No. 3 dock, Sheerness dock-yard. She had her bottom scribed, and the copper repaired, her topsides calked and painted.

(Signed) JAMES NUNN.

Sworn, &c., 12th December, before me,

(Signed) JOHN CASTLE GANT,

A London Commissioner to administer Oaths in Chancery.

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[638] *[Inclosure 6 in No. 21.]

Affidavit of Charles Newton.

I, Charles Newton, of Sheerness, do hereby truly, solemnly, and sincerely swear that I went to work on board the screw-steamer Scylla, late Her Majesty's screw-steamer Victor, at Sheerness, about the middle of November, having been engaged by Mr. Howe, who paid me for working on board 3*s.* 6*d.* per day. On the 24th November I went on the ship, at 6 o'clock in the evening, with a Trinity pilot, and commenced getting the wheel ready and other preparations for going to sea. At about half past 7 o'clock Mr. Reuben Harvey, the government pilot, came on board and took command of the ship. In the night she left Sheerness in tow of a tug-boat. I was at the wheel, and received orders from Mr. Harvey; about a mile and a half below the Nore the ship was brought up and laid there till morning, then got under way, and proceeded to Calais. I staid by her until the following Wednesday. Mr. Ramsay wanted me to sign articles, but I refused. The wages were too low, and I did not like the first lieutenant. I knew she was a confederate man-of-war when I was asked to sign articles, as the confederate colors were sent up just before we entered Calais harbor. I did not know which service she was for when I joined her, having been told and heard it talked

about that she was for the opium trade or confederate service. When I was asked to sign articles we were all told that the steamer was a confederate man-of-war, and that we should receive prize-money as soon as we had taken the prizes. The captain said we were to fight for money, and he was going to fight for his country and his home. I then received £3 0*s.* 6*d.* in the cabin, in the presence of Mr. Rumble and Mrs. Rumble, and left the ship. When I first went on board the water-police were upon the ship, and some new government warps and other stores were on board. Mr. Rees, the master rigger of Sheerness dock-yard, went in the boat with me, and some riggers were at work on board from the dock-yard. Mr. Rees had with him a black bag, with some stripped blocks. These warps and blocks were on board when I left the ship at Calais. The vessel was not completely rigged. Her masts had been put in from the Cumberland, but the rigging was not rattled down. Hammocks were on board in bales, and four boats were received on board from the tug-boat. Before we left Sheerness her shell-room and magazines were up and in good condition.

(Signed) CHARLES NEWTON.

Sworn, &c., 21st December, 1863, before me,

(Signed) JOHN J. ANDREW,

A London Commissioner to administer Oaths in Chancery.

[Inclosure 7 in No. 21.]

Affidavit of James Maloney.

I, James Maloney, of Sheerness, fireman, do hereby solemnly and truly swear that I went on board the screw-steamer Scylla, late Her Majesty's screw-steamer Victor, about the 10th November, having been engaged by Mr. Rumble at £1 1*s.* per week and my food. The wages were paid to me regularly by Mr. Rumble, at his house, before the vessel started from Sheerness. I was working on board as fireman, and assisted in removing stores, &c., about decks until the day before we left, when I commenced working in the engine-room. On the 24th November a gentleman, who had arrived from London, came on board. We were suddenly ordered away, and left Sheerness that night, the vessel not being in a fit condition to go to sea, the boilers requiring new tubing, some of which had been put on board at Sheerness. The rigging was not rattled down; she had no sails bent, and everything was in disorder. A large number of new hammocks had been put on board. The magazine and shell-rooms were in good condition; but nothing had been completed fit for a sea-going ship. Eight riggers were working on board from the government dock-yard when we left Sheerness. The Scylla was towed to the Nore, and anchored a little below until the morning, then steamed to Calais harbor. The riggers remained on board two days after her arrival at Calais, and some boiler-makers were sent from Sheerness dock-yard to work on board. They took their orders from Mr. Rumble, who was inspecting the machinery there. He came over with his wife for that purpose, I should think. I was [639] called aft, with all hands *on board, by the captain, upon the second day after we arrived at Calais, who wanted us to sign articles. He read the articles, and stated that the ship was a confederate man-of-war, and that we were to fight for prize-money, and that he could fight for love of country. I refused going, as the wages were not satisfactory. Mr. Ramsay had promised us in Sheerness £8 per month, but the captain only offered £6 2*s.* 6*d.* I did not want to go in her at all after finding what employment we were wanted for. I then received £2 2*s.* 6*d.*, and left the ship. As I was going on board the steamboat to return to England, Mr. Rumble met me on the pier, and told me to return to the Scylla and go to work with the boiler-makers, which I did at his request, and worked for fourteen days. I was only paid for eight days' work. When I left the ship the boiler-makers from the dock-yard were discharged, and Mr. Rennie's men went to work, Mr. Rennie having taken a contract to complete the boilers and machinery and fit her for sea-service.

(Signed) his JAMES+MALONEY. mark.

Witness to the mark of James Maloney:

(Signed) JOSHUA NUNN.

Sworn by the deponent, James Maloney, at No. 5 White Hart court, Lombard street, London, the 21st December, 1863, the witness to the mark of the deponent being first sworn, &c., before me,

(Signed) J. J. ANDREW,

A London Commissioner to administer Oaths in Chancery.

[Inclosure 8 in No. 21.]

Affidavit of William O'Kelly.

I, William O'Kelly, of 41 Smith street, Mile End, London, do truly and solemnly swear that on the 24th November last I went to Sheerness to make inquiries about a voyage, hearing that Mr. Rumble, inspector of machinery afloat of Her Majesty's dockyard, Sheerness, was engaging a crew for a steamer called the Scylla, formerly Her Majesty's screw-steamer Victor. I arrived at Sheerness at 9.30 p. m. I heard the steamer was in port, but not ready for sea, and that she wanted hands. Early next morning I found that she had gone in the night, having left in great haste, and in an incomplete state, soon after midnight. Not believing she had gone in that condition, as she was not fitted for sea, I saw Mr. Rumble about 8 o'clock a. m., and told him that hearing men were wanted for the Scylla, I had come down to make inquiries for a number of seamen who were in want of a ship. He said, "You are too late, for the ship has gone," but that she still wanted about twenty men, and that if I would call at Mr. Coleman's, No. 9 Clement's Lane, London, the next morning, Thursday, 26th November, I could learn more particulars about it, and perhaps meet him there. I went to No. 9 Clement's Lane, according to appointment, but did not see Mr. Coleman or Mr. Rumble. On Saturday, 28th November, I called again at No. 9 Clement's Lane, but found, instead of Mr. Coleman, a Mr. Pearson. I told him that I had called to see Mr. Rumble by appointment, but had been unable to find him or the place, as he gave me the name of Coleman, at whose office I was to call. Mr. Pearson said, "Mr. Rumble is here now; would you like to see him?" I replied, "Yes," and Mr. Rumble came out from an inner office. I told him I had come respecting the men I spoke to him at Sheerness about. He asked me if I could get some good men, as he would like the best going, but would not like to give an order at present. I said I would call again in a few days, and on Thursday, 1st December, I went again at No. 9 Clement's Lane, and saw Mr. Rumble. He informed me he had nothing to do with the ship now; and said she had been bought by Mr. Pearson, but belonged to Mr. Coleman, as Mr. Pearson was a bankrupt, and unable to purchase at present, and that Mr. Coleman and Mr. Pearson were brothers-in-law. After some further conversation respecting the crew, I asked him where the captain was to be found. (Mr. Rumble had told me that he had nothing further to do with her, and that Captain Campbell had command now.) He answered, "In Calais," and advised me to go there and see him myself. I started same night by train at 8.35 p. m., and arrived at Calais at 1 a. m. on the 2d December. At daylight I went down to the pier, and spoke with one of the men who had been brought from London to join the Scylla the night before, and afterward spoke with one of the men from Woolwich who had come to join her, but in consequence [640] of discovering what she was had left her, as nearly all had done. He *informed me that all the Woolwich men had been engaged by Mr. Rumble. Others of the crew then came up and said they would not go in the ship, as the first lieutenant had been on the lower deck, discharging his revolver with blank and ball cartridges, and swearing that he would shoot the first man that attempted to leave the ship; and all appeared much disgusted with the treatment they received. I then went to the ship, and on the pier met Mr. Rumble and the chief mate, Mr. Ramsay. Mr. Rumble wanted to know what brought me to Calais. I repeated his recommendation, and he then said Mr. Ramsay had caused him all the trouble with the crew. Mr. Rumble then took me to Meurice's Hotel, and I saw Captain Campbell, who asked my business. I informed him that by Mr. Rumble's advice I had come to see if he wanted a crew. He said he should not require a crew for six weeks, but afterward gave me to understand I should do the business. I thanked him and left the court-yard, and was joined by Mr. Rumble. In the course of the conversation Mr. Rumble said, "Now, this is a money-making job, and we must work together and share the profits," to which I agreed; and before he left he gave me a sovereign to help me, and as an earnest of his intentions, and he desired me to meet him at Mr. Pearson's office on Saturday, the 5th December. I went, and after waiting about nearly all day, did not see him, neither have I seen him since. Before leaving Calais Mr. Rumble said he should want me to supply forty men. I have not been able to see Mr. Rumble since, having been confined to my house by illness.

(Signed) WILLIAM O'KELLY.

Sworn at my office, at No. 5 White Hart court, Lombard street, in the city of London, this 21st day of December, 1863, before me,

(Signed) JOHN J. ANDREW,

A London Commissioner to administer Oaths in Chancery.

[Inclosure 9 in No. 21.]

Affidavit of George Bailey.

I, George Bailey, of Sheerness, do hereby solemnly and truly swear that on Monday, the 30th November, I, with Thomas Gifford, William Barber, William Mitchell, James Moreley, Joseph Govel, William Ellis, and Joseph Williams, arranged with Mr. Bagshaw, the leading hand of the boiler-makers afloat, to go to Calais and work on board the screw-steamer Rappahannock, late Her Majesty's screw-steamer Victor. We went with him to Mr. Rumble's house. He went in, and we waited outside. He brought out with him three five-pound notes to pay our expenses to Calais. We thought that not enough, but Mr. Bagshaw said he had asked Mr. Rumble for more, but could not obtain it. He said, however, that those who wished to leave a note of hand for their wives to receive might do so, and that Mr. Greathead, a chief engineer in the royal navy, would pay them £2 each on the following Friday. Gifford, Mitchell, and myself left orders for our wives. We were told that the job would take from ten to twelve days to complete. We applied for leave of absence for fourteen days to Mr. Baffey, the leading man in the boiler-shops, who inquired where we were going, and was told we were going to Calais to repair the boilers of the Rappahannock. He said, "I cannot let eight of the best men in the shop go away on leave for so long a time, as I have so much work on hand here, which I must get done before a certain day;" but that he would see Captain Wise, the superintendent of the dock-yard about it. Captain Wise said, "If they go, they must go on their own account." No objection was made to our going, and we received no advice to stay away. We thought as Mr. Rumble and Mr. Bagshaw had the job in hand it would be all right when we got back, as they had promised to get us leave of absence. If I had thought that my leaving for Calais would have endangered my place in the dock-yard, I should not have gone. We went the next day, the 1st of December, to Calais, accompanied by Mr. Rumble. Upon arrival we went on board the Rappahannock, and Mr. Ferguson, the chief engineer, showed us our work. There were no tools to work with on board, but we were informed that some would come. The next day a gentleman brought some steel drifts on board. That is all the tools I saw. I found that there were at least 1,400 tubes to be put in; the old ones were not drawn from the boilers. We began to draw them at once, and I knew that it would take at least two months to fit the tubes as they were fitted before, or not less than six weeks, in the quickest and least expensive manner, so that they would answer, provided all the boilers were new tubed, as the chief
[641] engineer had desired; but she could be got to sea in a less *time, if only a part of the boilers were new tubed. Not feeling sure or comfortable, after staying four days, I left Calais for Sheerness, as I thought it better to return to my former work. When I arrived at Dover I found Mr. Rumble had returned by the same boat. He sent for me, and asked my reason for leaving Calais, and wished me to return, offering me £10 to do so. I asked him what he had done about our leave. He said he knew nothing about that, but it would be all right. I refused his offer and said I would not go back until I had first been home. On arriving at Sheerness I applied to our leading man, Mr. Baffey, to return to work. He informed me that I and the seven men that went with me to Calais were all discharged by order from the admiralty, as we had been away without leave, and that we could not be re-admitted. I found that Mr. Greathead had sent my wife the £2 as promised. Mr. Henry Elmer, the third engineer, returned on Friday, the 11th of December, and he has since told me that he had left the Rappahannock because they wanted to humbug him respecting the pay. Mr. Carr, the second engineer, has also left. I have seen him since his return. It would have taken the eight men at least two months to complete the repairs on the Rappahannock, if they had been provided with the best tools. As it was, they could not have done it at all. Other men came from Mr. Rennie's yard, London, and took the job out of the hands of the dock-yard men.

(Signed) GEORGE BAILEY.

Sworn at London the 22d of December, 1863, before me,

(Signed) JOHN J. ANDREW,

A London Commissioner to administer Oaths in Chancery.

No. 22.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *December* 24, 1863.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, inclosing copies of depositions of persons who testify to the

proceedings connected with the outfit and the departure from Sheerness of the steamer Rappahannock, and I have to acquaint you, in reply, that these papers shall be considered by Her Majesty's government.

I am, &c.,
(Signed) RUSSELL.

No. 23.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, January 9, 1864. (Received January 9.)

MY LORD: I have the honor to submit to your consideration the copy of a letter from Mr. Morse, the consul of the United States at this port, together with copies of four depositions containing further evidence, relating to the proceedings at Sheerness in the case of the steamship Victor.

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 23.]

Mr. Morse to Mr. Adams.

UNITED STATES CONSULATE,
London, January 6, 1864.

SIR: I herewith inclose four affidavits in the Rappahannock case. You will notice that two of them are given by English sailors, who were engaged and signed an agreement of some sort in this port to serve on board the Rappahannock, while the mere form of placing their names to the articles was done at Calais, though the obli-
[642] gation *to do so was made here. Please notice also that the French authorities at Calais are aiding the rebels by arresting seamen who leave the ship.

I am, &c.,
(Signed) F. H. MORSE, *Consul.*

[Inclosure 2 in No. 23.]

Deposition of George White.

I, George White, of Liverpool, leading stoker, do solemnly, sincerely, and truly swear that in November last I was sent for by a friend, who informed me that he had heard of a good thing, and one that would pay well, if I came to Sheerness. I went to Sheerness and was introduced to Mr. Ramsey, who sent me to work on board the screw steamship Victor, then lying in the stream. While on board her name was altered to Scylla. I was told she was for blockade-running. After remaining on board about fourteen days, during which time her masts were put in by Her Majesty's ship Cumberland, she suddenly left port. We had no notice of her leaving until two hours before she sailed. The fires were got up and we were towed out of the harbor and anchored just below the Nore light for the night. The next morning steamed for Calais, and went into the harbor and made fast alongside. Mr. Rumble and Mr. Ramsey introduced all the working hands on board the Scylla that left Sheerness, and none of them would have gone without such introduction. After arrival at Calais, I, with J. Brooks and Maloney, was employed at work on board. At Sheerness engine-room stores were put on board while she lay in the stream. They consisted of gauge-cocks for the boilers, blocks, and other things, having the government mark upon them. These things we were ordered to bury under the coal, so that the police should not see them. Both Mr. Rumble and Mr. Ramsey ordered us to put them out of sight; they are on board the Rappahannock now. Some deserters from the ship Formidable are serving on board the Rappahannock, and some others whose discharge has been bought

for them; they came from the Cumberland. Of these men about a dozen remain on board. Some are put in irons if they attempt to leave, and the French authorities arrest them, as they allow £4 for each returned deserter. Mr. Rennie's men are still engaged tubing the boilers. The ship will be completed and fit for sea by about Saturday week next.

(Signed) GEORGE WHITE.

Sworn at my office, No. 5, White Hart court, Lombard street, in the city of London, this 1st day of January, 1864, before me,

(Signed) JOHN J. ANDREW,

A London Commissioner to Administer Oaths in Chancery.

[Inclosure 3 in No. 23.]

Deposition of Andrew McEune.

I, Andrew McEnne, of Liverpool, seaman, do hereby truly and solemnly and sincerely swear that on Tuesday, December —, I went to a public house in Sharp street, or Royal Mint street, and saw a Mr. Anson, who engaged me to join the Scylla, then lying in the Downs. I signed an agreement for wages at the rate of £3 15*s.* per month. Two days after, I, with about thirty others, was taken by express train to Dover, and from thence to Calais; after arrival at Calais we went on board the ship. After remaining two days some of the men made a disturbance, and we were all sent ashore. The captain then came and picked some of us out, and the next morning I signed articles, and was to have had £10 bounty. Captain Campbell told me he would keep that in the strong chest for me. I have not received that yet. The articles we signed were "to join the confederate service; to receive prize-money, which was to be paid down by the captain when the prizes were taken, and the wages were to be £4 8*s.* per month." They also promised us 4*s.* a day while in port, beside our bounty, and leave every Saturday night. This we did not get, and when we complained they threatened to put us in irons. One man was put in irons last Sunday and remains so now. He wanted to leave.

[643] *Yesterday I got liberty and received 10 francs. I then left the ship and went on board the steamer to return to England, finding I was not sure of my wages, and not liking the treatment I received on board. There are some men-of-war's men on board from the English service. Some deserted, and two or three had their discharge paid for them. They are seamen gunners.

(Signed) ANDREW McEUNE.

Sworn at my office, No. 5 White Hart Court, Lombard street, in the city of London, this 1st day of January, 1864. Before me,

(Signed) JOHN J. ANDREW,

A London Commissioner to administer Oaths in Chancery.

[Inclosure 4 in No. 23.]

Deposition of William Hewson.

I, William Hewson, of Plymouth, able seaman, do hereby solemnly, sincerely, and truly swear that on Tuesday, December —, I went to a public-house in Sharp street, or Royal Mint street, and saw Mr. Anson, who shipped me for the screw steamship Scylla, of London, to run the blockade, at the rate of £3 15*s.* per month wages. I was taken from London by the train for Dover, and from thence for Calais. On arrival there I was not allowed on board the ship, which was at the pier, for two hours. I was then called aft, and Captain Campbell called several of us aft, and picked out the Englishmen whom he thought were good men, about twelve in number. He promised me 4*s.* a day to assist to get the ship out and that he would give me on the following Saturday £10 bounty. I signed articles at £4 8*s.* per month, which was to remain until I was rated as gunner's mate, and then I was to have higher wages, with prize-money and other advantages. I staid by the ship, but did not get the bounty, and only 10 francs during the five weeks I remained by her. Seeing how things were going to be, I made up my mind to leave. Suspecting my design, the first officer and second officer threatened me, and put a revolver to my mouth, and another to my eye, and I felt assured that they would have shot me had I attempted to leave. I was with another locked up in a water-closet for five days; and our food was brought to us there; it was not fit for a dog to be in. I at last got liberty for twenty-four hours, and received the 10 francs named before, and immediately went on board the steamer and returned to Dover, from thence to London. There were nine or more men-of-war's men on board, nearly

all of whom were deserters from Sheerness. They would desert from the Rappahannock if they could get on shore, but they are refused leave.

(Signed) WILLIAM HEWSON.

Sworn at my office, No. 5 White Hart Court, Lombard street, in the city of London, this 1st January, 1864. Before me,

(Signed) JOHN J. ANDREW,

A London Commisstoner to administer Oaths in Chancery.

[Inclosure 5 in No. 23.]

Deposition of Thomas Bryant.

I, Thomas Bryant, of London, fireman, do hereby truly, sincerely, and solemnly swear that, on the 23d of December last, I went to John Seymour's, Wellclose Square, and agreed with him to join the steamer lying at Calais, and signed a paper, so that if I went to the ship he would draw $32 advance for me. I understood them as articles, and the wages were to be at the rate of $32 per month. On Christmas morning at 2 o'clock I went to London Bridge with my boarding-house keeper, and saw ten men go off to France by the Boulogne boat. While there I was told the name of the steamer at Calais was the Rappahannock, and that she was a confederate cruiser. After I heard that I refused to go in her, and told Seymour so on the pier at London

[644] *Bridge, and I have not seen him since. Seymour knew I was an Englishman, and wanted me to sign as a Dutchman, which I declined.

(Signed) THOMAS his + mark. BRYANT.

Witness to the sign or mark of Thomas Bryant,

(Signed) JOSHUA MANN.

Sworn by the deponent, Thomas Bryant, at No. 5 White Hart Court, Lombard street, in the city of London, this 5th day of January, 1864, the witness to the mark of the deponent being first sworn that he had truly, distinctly and audibly read over the contents of the above affidavit to the said deponent, and that he saw him make his mark thereto. Before me,

(Signed) JOHN J. ANDREW,

A London Commissioner to administer Oaths in Chancery.

No. 24.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *January* 11, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 9th instant, inclosing copies of further depositions relative to the steamship Victor, otherwise Rappahannock; and I have to inform you that these papers have been communicated to the proper department of Her Majesty's government.

I am, &c.,

(Signed) RUSSELL.

No. 25.

Earl Cowley to Earl Russell.

PARIS, *March* 27, 1864. (Received March 28.)

MY LORD: I have the honor to transmit herewith to your lordship a dispatch from Captain Hore, reporting that the confederate steamer Rappahannock has been detained by the French government.

I have, &c.,

(Signed) COWLEY.

[Inclosure in No. 25.]

Captain Hore, R. N., to Earl Cowley.

PARIS, *March* 26, 1864.

MY LORD: I have the honor to acquaint your excellency that, in consequence of the representations of Mr. Dayton, the French government have indefinitely detained the confederate vessel Rappahannock.

This vessel arrived but partially equipped, and without a crew; she has come within the scope of the French law by shipping a crew and equipping for war purposes. It is not the intention of the government to take further legal steps against her.

I have, &c.,
(Signed) E. HORE.

No. 26.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 5, 1864. (Received April 5.)

MY LORD: I have the honor to submit to your consideration copies of a letter from Mr. Dudley, consul of the United States at Liverpool, and of two depositions, showing *the continued agency of the house of Jones & Co., British subjects, in enlistments and payments of British subjects in the service of the insurgents in the United States.

[645]

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 26.]

Mr. Dudley to Mr. Adams.

UNITED STATES CONSULATE,
Liverpool, April 2, 1864.

SIR: You will find inclosed copies of two affidavits, one of Catharine Pratt, the other of Catharine Dow, wives of two of the men who were taken from Liverpool and enlisted on the confederate steamer Rappahannock, now at Calais. These affidavits show that the house of Jones & Co., 28 Chapel street, Liverpool, are implicated as well in enlisting the men for this vessel, as they were for the steamer Japan, now called the Georgia.

The husbands of these women are now in Liverpool. They tell me Mr. Morse took their statements, hence I have not.

I am, &c.,
(Signed) THOMAS H. DUDLEY.

[Inclosure 2 in No. 26.]

Deposition of Catharine Pratt.

I, Catharine Pratt, of 9 Llewellyn street, in the county of Lancaster, make oath and say:

I am the wife of John Pratt, of 9 Llewellyn street aforesaid, fireman. On the 7th February last my husband informed me that he was going to London to join a steamer bound for the West Indies, and on the following night he left Liverpool for London with Welsh, Cunningham, Buchanan, and others. I learned from the wife of one of the engineers who had gone with my husband that they had gone from London to Calais to join the steamer Rappahannock, and I wrote to my husband to let me know where he was going to, and I received a letter from him that he had joined the

Rappahannock for twelve months, not to exceed two years, at £6 19*s.* 10*d.* a month, and had one month's advance, and directing me to call at Jones & Co.'s office, Chapel street, Liverpool, when they would pay me the advance and the half-pay. I called at Jones's office on the 28th of March last, in company with Mrs. Welsh and Mrs. Dow, when we saw the cashier, and Mrs. Dow told him that we had called for our half-pay, when he referred to a roll of paper and said that our names were down, but that he could not pay us then, as he had not received orders from Paris, and directed us to call again on the 31st March. We called again on the 31st March, when we saw Mr. Jones, and told him that we had called for our pay, when he said that he had not received orders from Paris yet to pay us, and did not give us any definite answer when we were to call again for it.

(Signed) her CATHARINE + PRATT. mark.

Sworn at Liverpool, in the county of Lancaster, the 2d April, 1864, this affidavit having in my presence been previously read over to the deponent, who appeared perfectly to understand the same, and made her mark thereto in my presence. Before me,

(Signed) HENRY C. DUNCAN,
A Commissioner to administer Oaths in the Exchequer.

[Inclosure 3 in No. 26.]

Deposition of Catharine Dow.

I, Catharine Dow, of 5 Llewellyn street, Liverpool, in the county of Lancaster, make oath and say as follows:

I am the wife of John Dow, fireman. On the 7th of February last my husband informed me that he was going to London to join a steamer bound for the West [646] Indies, and *on the following evening he left Liverpool for London, in company with Welsh, Cunningham, Buchanan, and others. Not having heard from my husband, I made inquiries of the wife of one of the engineers who had gone with him, who informed they had gone from London to Calais to join the steamer Rappahannock, and I wrote to my husband to let me know where he was going to, and received a reply informing me that he had joined the steamer Rappahannock for twelve months, not to exceed two years, at £6 19*s.* 10*d.* a month, and had received one month's advance, and directed me to call at Jones & Co.'s office, Chapel street, Liverpool, where I would be paid. I called at Jones's office about the 28th of March, in company with Mrs. Walsh and Mrs. Pratt, when we saw the cashier, when we told him that we had called for our half-pay, when he referred to a roll of paper and said that our names were down, but that he could not pay us then, as he had not received instructions from Paris to do so, and directed us to call again on the 31st of March. We called again as directed on Thursday last, the 31st of March, when we saw Mr. Jones, and told him that we had called for our husbands' half-pay, when he said that he had not yet received orders from Paris to pay it. We then asked him when we should call again for it, but he did not give us any definite answer.

(Signed) CATHARINE DOW.

Sworn at Liverpool aforesaid, this 2d day of April, 1864, before me.

(Signed) HENRY C. DUNCAN,
A Commissioner to administer Oaths in the Exchequer.

No. 27.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 6, 1864.

SIR: I have the honor to acknowledge the receipt of your note of yesterday's date, inclosing copies of a letter from the United States consul at Liverpool, and two affidavits, relative to the part taken by Messrs. Jones & Co., of Liverpool, in enlisting men for the service of the so-styled Confederate States.

I am, &c.,

(Signed) RUSSELL.

No. 28.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, April 16, 1864. (Received April 16.)

MY LORD: I have the honor to transmit to you a copy of portions of a letter addressed to me by Mr. Morse, consul of the United States at this port, and likewise copies of depositions of twenty-one persons, mostly British subjects, who have been enlisted in the service of the insurgents at various places in this kingdom. The originals of all these papers have been submitted to my examination. I have reason to believe that these are but a small portion of the number who stand ready to attest to the truth of the same facts, if there were any need to multiply testimony to convince your lordship of what has long been notorious.

When I remember how promptly Her Majesty's government has done me the honor to call for explanations in the only case in which any allegation of the kind sustained by evidence has been made against persons in the employment of the United States, I cannot but permit myself the hope that the exercise of similar energy may have some effect in putting a check on what is plainly a systematic plan, by insurgent emissaries and their British allies, to violate the neutrality of Her Majesty's kingdom, to the injury of a country with which it is at peace.

I pray, &c.,
(Signed) CHARLES FRANCIS ADAMS.

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[647] *[Inclosure 1 in No. 28.]

Mr. Morse to Mr. Adams.

UNITED STATES CONSULATE,
London, April 12, 1864.

SIR: In addition to those heretofore forwarded to you, I herewith inclose the affidavits of twenty-one persons, seamen and firemen, nearly all of whom are British subjects, who engaged to go in and serve on board the rebel privateer Rappahannock, but who made their escape from her and returned to this port. They were all engaged in and sent from this country by persons residing in it, and who are probably citizens and subjects thereof.

Permit me to ask your special attention to a few of these affidavits, although all are of importance. That of Robert Sadd shows that he, an Englishman, was engaged by John Seymour, of London, to go and serve on board the rebel steamer Rappahannock, and where and by whom his half-pay was to paid. It also shows the large number of English sailors who applied to Seymour for service on board the ship at Calais in one day. The affidavit of Joseph Sullivan proves that he also, an Englishman, was shipped or engaged to serve on board the rebel privateer Rappahannock, then and now in the port of Calais, France, by John Seymour; and that at the time and place where he and eight other English subjects were engaged so to serve, there were four persons present who advised and aided Seymour in procuring men for the privateer Rappahannock. These four persons were probably, as Sullivan thought or knew, officers from the Rappahannock, as such persons were known to be in London for the purpose of obtaining seamen and firemen for said vessel.

The affidavit, signed by Edward Smith, Dennis Connel, and James Grace, shows that they were shipped or engaged by Seymour. This affidavit has a copy of such an engagement as they made and signed at Seymour's attached. They are all British subjects, and went to Calais in partial fulfillment of their agreement, and saw the ship they with others engaged for—the Rappahannock—but would not go on board, and returned to London.

The affidavit of James Graham, and eight others, of Liverpool, all firemen and British subjects, shows that he and the other eight were engaged and taken to Calais to the steamer Rappahannock by William A. Bradshaw and Joseph Buchanan, of Liverpool, all British subjects, and were "turned over to Captain William F. A. Campbell," then

commander of the privateer Rappahannock. To Graham's affidavit is attached the original certificate of the appointment of Buchanan and Bradshaw, as assistant engineers in the so-styled Confederate States navy. To this affidavit is also attached a certificate of an allotment of monthly pay for the period of twenty-four months. This allotment of thirty dollars per month was to be paid to the family of Joseph Buchanan by Messrs. Jones & Co. of Liverpool. These certificates are all signed by William F. A. Campbell, then commander of the so-styled Confederate States vessel of war Rappahannock.

Several of these affidavits show that confederate agents have engaged men for the rebel service in several of the maritime ports of Great Britain. I have other information which entirely satisfies me that such agents are now and have for some time been actively engaged in procuring and sending to continental ports English subjects for the rebel service from all the principal maritime ports of this country. They, seamen, firemen, &c., are sent away in small numbers at a time from the several ports to some confederate vessel, in charge of shipping-masters, sailors' boarding-house keepers, and other persons employed to engage them. It is plain that all the parties to these transactions have acted, and are acting in open violation of the second section of the "foreign enlistment act."

* * * * * * *

It is an established fact that the confederates have sent and are now sending British seamen, firemen, engineers, stewards, cooks, and other persons, to man the privateers recently repaired and fitted out in French ports; and I have reason to believe, and do believe they are not only collecting such persons to man privateers or vessels, to be used as such, especially one now about ready to leave the Clyde, which they expect soon to get out; but also that they are sending a surplus of men out on many blockade-runners, in the hope of securing them for service on the ships of war they are completing in some of the southern ports. They now have their agents and runners in most of the out-posts of this country, especially those located on the English channel, collecting and
[648] engaging men for the rebel service, and sending them away very quietly, one or more at a time, as they can engage them, and as they can be got away without attracting unusual attention. Both the men engaging and leaving for such purposes, and the person to whose instrumentality they are engaged or sent away, are in this respect acting in direct and open violation of the very letter of the second section of the "foreign-enlistment act," and for so acting are liable to the penalty of fine and imprisonment.

The sixth section of the "foreign-enlistment act" forbids any master or owner of a vessel from knowingly taking, or engaging to take on board, as passengers or otherwise, any persons who are leaving any part of the British dominions with the intention of entering into any foreign service, or who have engaged to enter such service against the provisions of said act; and any master or owner so offending is liable to a fine of fifty pounds for each person so taken on board, or engaged to be so taken; and the vessel may be seized and detained until the penalties are paid. There are but few steamers plying between these islands and the French coast not liable to seizure under this section, for nearly all have at some time, within the last four or five months, carried men from this country to some one of the rebel cruisers which have, within this time, been repaired and fitted in French ports. While this contraband passenger trade has been principally carried on by the boats running from London, Dover, and Folkestone to French ports, other lines and transient boats have not been neglected.

Yours, &c.,
(Signed) F. H. MORSE,
Consul.

[Inclosure 2 in No. 28.]

Affidavit of Robert Sadd.

I, Robert Sadd, of Waltham Abbey, Essex, do hereby solemnly and truly swear that on Thursday morning last, 7th of April, I went to John Seymour's house, Wellclose Square, hearing that he was engaging firemen. I saw him, and he told me to come at 3 o'clock, as he was going out. At 3 o'clock, I, with about twenty or thirty others, all British subjects, went there, and as so many had been promised, he could not engage me then. On the next morning, Friday, 8th of April, I went again to Seymour's, and saw him; I asked him if he had got all his firemen, or if he wanted more. He asked me if I had a discharge; I said yes. He said he wanted a new one. I told him I had two. He took both up to the city or office, as he called it, with him. I do not know where he took them. I asked him how we were going to Calais. He said, as he must not be seen in it, his young man would pay our passage down, and he would pay him again. We asked what wages or advance we were to have. He said we were to have 4*s.* a day while working on board in dock until ready to go away, and then we were to

have bounty-money and wages, and that would be paid by check in Liverpool, so that we could send it up to our friends. I was to meet him again between four and five o'clock yesterday afternoon. I went and saw him. He gave me back my two discharges, and said I would have to show them when I got to Calais, and that I was to be up at his place at 10 o'clock this morning, to go by the boat to Calais. I went to the boat, but from some remarks I heard while on the wharf would not go. I was not aware before of the ship's name, or the service we were required for; had I known of it when Seymour first spoke to me, I would not have promised to go at all. The ship proved to be the confederate steamer Rappahannock.

(Signed) ROBERT SADD.

Sworn by the deponent, at my office, No. 37 Nicholas Lane, in the city of London, this the 9th day of April, 1864, before me,

(Signed) JOHN CASTLE GANT,
A London Commissioner to administer Oaths in Chancery.

[Inclosure 3 in No. 28.]

Affidavit of Joseph Sullivan.

I, Joseph Sullivan, of London, do solemnly swear that I was born in Bristol, England, and am by trade a fireman. On Tuesday night last (5th of April) I was coming
[649] *up Ratcliffe Highway; I met John Seymour, shipping-master of Wellclose Square. He asked me to drink; we went into the "Cock and Neptune," corner of Neptune street and the Highway. When there, he asked me if I would get him twelve or fourteen men, as firemen, for a ship in Calais. I said I could, and he told me to get them, and said he would give me plenty of money in Calais, but none here in London. I went to John Seymour's house, in Wellclose Square, with the following, myself as leading stoker: John Lacy, David Cornell, James Grace, Edward Smith, Peter Ryan, James Lacy, Bartholomew Walsh, Owen Driscoll, Samuel Theater, John Howell, and Thomas Day, stokers. He asked me for a discharge of each man; I took them all with me and gave them to him. He (Seymour) then took me to the parlor of the King's Arms, and I had an interview with four gentlemen. One of the gentlemen asked me if I could procure the men (meaning the firemen and seamen) that Seymour required, but they must be all British subjects, and that if I would I should be well rewarded when I got to Calais. He then asked me if the men were with us whose names were on the list; I answered, they were, and produced the discharge of each man as his name was read by the gentleman or officer of the ship, and Seymour kept them. The four gentlemen whom I had an interview with I supposed to be officers belonging to the ship to which I was to be sent. I was then told to go to the bar and have what I liked to drink, and Seymour told me to come at 8 o'clock at night and he would give me back the discharges. When I went to his house at 8 o'clock he called me into the parlor, and gave me back twelve discharges, and told me to pick six of them to go away on Friday morning, from London Bridge station, which I did. On Friday morning, 8th of April, at half-past 5 o'clock, I, with five men went to Seymour's house, and left at 6 o'clock for London Bridge station, arriving there at 7 o'clock. While at the station waiting for Mr. Seymour, who was to pay our passage to Dover, I asked the boy who drives Mr. Seymour's cart the name of the ship we were going to. He said it was the steamer Rappahannock, lying at Calais. When Seymour came up I asked him if we were for the Rappahannock. He said, "Yes; it's all right; don't make a noise about it; you will be all right when you get to Calais." He then went into the station to get six tickets. He came out, and said, "I have not got sufficient money to pay for six tickets, as it is the express train that leaves at half-past 7." He then took out four sovereigns and some silver in his hand, and said to me, "Sullivan, you can proceed and take these men with you; the other two can go to my house, and I will send them by the boat." We objected to be parted, and all returned together. I went home and stopped until 5 o'clock in the afternoon. I went again to his (Seymour's) house in Wellclose Square; he told me that the boat would start at 3 o'clock on Saturday morning, (this day,) and that I was to get him more men, because it was better to send them through by dark than by daylight. I got six men with me, and two more joined me at his house at 12 o'clock at night. About half past 12 we all proceeded to London Bridge wharf, and arrived there at about half past 2 o'clock this morning. While waiting there I met a friend, who asked me what lay I was going in; I told him I did not know, but that I was going to Calais to join the Rappahannock. He advised me to stay away, and I and Robert Sadd would not go; the others went. Seymour told me I should not sign until after arriving at Calais; but that my wages would be $34 per month, and £10 bounty after signing on the ship. I did not know she was a confederate ship, or would not have had anything to do with her.

Seymour deceived us all through, as he knew what she was and what we were wanted for.

(Signed) JOSEPH SULLIVAN.

Sworn by the deponent at my office, No. 37 Nicholas Lane, in the city of London, this 9th day of April, 1864, before me,

(Signed) JOHN CASTLE GANT,
A London Commissioner to administer Oaths in Chancery.

[Inclosure 4 in No. 28.]

Affidavit of Edward Smith and others.

We, Edward Smith, of Rotherhithe, Surrey, Dennis Connell, of Cork, Ireland, and James Grace, of London, firemen, do hereby solemnly and sincerely swear, that [650] on *Thursday last, April 7, we went to John Seymour's, (or, as he is called, John the Greek's,) in Wellclose Square, and when there he asked us if we would go to work at 4*s.* a day, and to be found in food, &c., on a ship lying in Calais. We said we would, and he took the discharges from us that we had received from the ships we last served in. He told us to be at his house at quarter before 6 o'clock on the following morning, April 8, to go by the train to Dover, and then across to Calais. We were there, and went with three others to the London Bridge station. When we arrived there, he, Seymour, had not enough money to pay our passage by that train, as it was an express. He wanted four to go by that train, but we would not separate, but all go together; so we left the station, went home, and returned again about twenty minutes past 9. He was not there, but sent his man to tell us to come to his house, as there was a gentleman there who wanted to see us. When we got there we saw no one but himself, and he told us to be at his house at half past 1 on the Saturday morning, and then we should all go by the boat that started from London bridge that morning. We went to his house, and then we demanded a copy of the agreement we had signed, and Seymour gave us a copy, which is annexed. We afterward went to the boat, the Hanover steamer at London Bridge, and Seymour's man paid our passage to Calais, and took our discharges on shore with him. On arrival at Calais there was no one to receive us. We inquired where the Rappahannock was, and we met one of the officers of the ship. He asked us if we were going to join the Rappahannock. We told him that we came down to work on board of her at 4*s.* a day. He said we could not work on her at 4*s.* a day, but if we went to work on her at all we must join the ship, the wages to be £15 16*s.* a month, and we were to sign for three years. We told him we should not join her. He said he would pay our passage back to London. We remained all Saturday night, and went to the British consul, and told him how we had been served, but he would have nothing to do with us. The captain of the steamer Rainbow allowed us to sleep on board that night, and on Sunday morning we went on shore to see when we were to be sent back. One of the officers of the Rappahannock met us, and asked us where we slept. We told him. Asked him for food, and went with him to the quay by the side of the Rappahannock. We were afraid to go on board, as, if we had, we feared we should have been detained, or put in irons or something. We staid there about two hours, and then went and sold some of our clothes and bought food; afterward we saw the captain of the steamer, who told us that he would not take us back unless he had the money first. We then went back to the Rappahannock, and appearer Smith went on board. The first lieutenant would have nothing to do with us unless we joined the ship. Smith got ashore, and we were going away, but were called back. The first lieutenant said, considering that Seymour had sent us, he would pay our passage back to London. We asked him about food, as we told him we were hungry. About half past 4 one of the officers came on shore and went to the steamer Rainbow, and saw the captain. He brought three tickets on shore and gave them to us, and told us the steward would provide us with food. We went on board the steamer, had some food, and returned to London. After we arrived in London we went down to Seymour's about our discharges, and to see if we could get paid. We were told he was at Newcastle. There was no other American steamer at Calais. The only steamers there were the Dover and Calais packet-boats, two of the London packets, and a French gunboat.

(Signed) EDWARD SMITH.
D. CONNELL.
JAMES GRACE.

Sworn by all the deponents, at my office, No. 37 Nicholas Lane, city of London, this the 12th day of April, 1864, before me,

(Signed) JOHN CASTLE GANT,
A London Commissioner to administer Oaths in Chancery.

Copy of agreement.

LONDON, *April* 8, 1864.

We agree, all of us that sign this agreement, firemen and sailors, steward and cook, to go to Calais to work on board the American steam-ship Rappahannock, to have 4*s*. per day, cook and steward the same; sailors to have 3*s*. per day; and [651] all to have *victuals and passage-money, to be paid by John Seymour. All of them to work for seven days.

1.	10.	18.
2.	11.	19.
3.	12.	20.
4.	13.	21.
5.	14.	22.
6.	15.	23.
7.	16.	24.
8.	17.	25.
9.		

[Inclosure 5 in No. 28.]

Affidavit of James Graham.

I, James Graham, of Liverpool, fireman, do solemnly and sincerely swear that I left Liverpool, with eight others, on the 7th of February, for a voyage to the East Indies, having been engaged by James Cunningham and Joseph Buchanan, engineers, of Liverpool, who informed us the steamer was lying at Gravesend, and that we were to go to London by train, and thence to Gravesend, and join her there. We were well plied with liquor; and at 11 o'clock at night went to the station at Lime street to meet them, our wives going with us to receive our month's advance, which they promised to pay them. We were to have £6 10*s*. per month. After we had all arrived at the station we were hurried into the carriages, more drink was given to us, and no notice taken of the advance. On arrival in London we were taken in cabs to another railway, again plied with liquor, taken to Dover. When there I asked Mr. Cunningham what game he was up to. He said, "You are going on the steamer, as it is the tender of the ship lying off the harbor." We went on the steamer, and were taken to Calais; a great number of persons came to look after us; we were guarded until we were put on the Rappahannock. On arriving on board Mr. Cunningham handed us over to the captain. Both Mr. Buchanan and Mr. Cunningham looked after us until then. The captain said to us, as we had had a long journey, he would see us to-morrow. We were all rather stupid from drink. He gave Shrouder 20 francs to spend among us; and on the next day we were called into the cabin to sign articles. They were not read over to us. The captain asked us all if we were ready to enlist. We told him no; we came as firemen. We were then told to sign our names, and that the wages were to be £6 19*s*. 10*d*. per month, with £10 bounty. We were to have advance-notes three days after we signed, so as to send them to our wives. They were to be paid at Messrs. Jones & Co.'s, ship-brokers, Liverpool. We did not get these notes, and Shrouder was put in irons for asking for them. The treatment we received was very severe. If the least word was said either a pistol was placed at our heads or we were put in irons. After six of them (the men from Liverpool) had run away, I looked out for the first opportunity to leave the ship. On Thursday last, 31st March, at half past 5 o'clock, I got liberty, and went on shore. I was to return on board the following morning, at 8 o'clock. I did not return. They finding that I was trying to get away, the doctor, Mr. Newton, and Mr. Wilson, midshipman, watched me, and when entering a public house, one of them struck me with a life-preserver, and knocked me senseless. I was taken to some house, and on recovering found myself on a bench, and Mr. Newton was watching me. I asked for a drink of water, and when he went to give it to me I knocked him over and ran away. I went to the Ship Hotel, and the landlord stowed me away in the back kitchen until Friday afternoon, the 1st April; I, with another man, then walked away on the Boulogne road, and was picked up by the diligence. On arrival at Boulogne we went on board the boat for Folkestone, and arrived in London on Saturday evening. When I was struck by the officers they severely injured my left shoulder, and brought blood from behind my right ear. I have not been able to lift my left arm since. My clothes were all covered with blood. I would never have gone on board had I known what she was. Mr. Buchanan, who had worked with me before, recommended me to go. He said she was for India, lying at Gravesend; the voyage was for twenty-four months. Several men from Portsmouth joined the ship at different times; two are still on board. They will take any one that comes, and when once on board they are very badly treated. The provisions are bad, and the officers treat the men

like dogs. The men from Portsmouth came from Her Majesty's steamer Trafalgar; one left some time back. Man-of-war's men are told all sorts of things to induce them to join. I received a £2 advance-note after I had been on board about
[652] three *weeks. It was paid by Samuels & Co., of Liverpool, an exchange office. I had 5 francs given me for drink when I came on shore.

(Signed) JAMES GRAHAM.

Sworn by the deponent, at my office, No. 5 White Hart Court, Lombard street, in the city of London, this 4th day of April, before me,

(Signed) JOHN J. ANDREW,
A London Commissioner to administer Oaths in Chancery.

I, James Graham, of Liverpool, do solemnly swear that the half-pay note attached, signed by Joseph Buchanan, in the presence of William V. A. Campbell, and dated the 22d February, 1864, is of the true and proper handwriting of the said Joseph Buchanan and William V. A. Campbell. I have seen Captain Campbell sign his name several times. He signed the draughts for £2 that were given to each of the Liverpool men after we had been three weeks on board. I have seen Joseph Buchanan write often, having worked with him, and I solemnly swear, to the best of my knowledge and belief, the signature attached to the half-pay note is in Joseph Buchanan's handwriting, and also that Captain Campbell signed the two certificates of appointment of Joseph Buchanan and Alexander Bradshaw, and the said half-pay note.

(Signed) JAMES GRAHAM.

Sworn by the deponent, at my office, No. 5 White Hart Court, Lombard street, in the city of London, this 4th day of April, 1864, before me,

(Signed) JOHN J. ANDREW,
A London Commissioner to administer Oaths in Chancery.

CONFEDERATE STATES STEAMER RAPPAHANNOCK,
Calais, February 7, 1864.

SIR: You are hereby appointed third assistant engineer in the Confederate States navy, from the 7th day of February, 1864.

Respectfully, &c.,

(Signed) WILLIAM V. A. CAMPBELL,
Lieutenant Commanding, Confederate States Navy.

WILLIAM ALEXANDER BRADSHAW.

CONFEDERATE STATES STEAMER RAPPAHANNOCK,
Calais, February 7, 1864.

SIR: You are hereby appointed third assistant engineer in the Confederate States navy, from the 7th day of February, 1864.

Respectfully, &c.,

(Signed) WILLIAM V. A. CAMPBELL,
Lieutenant Commanding, Confederate States Navy.

Mr. JOSEPH BUCHANAN.

I, Joseph Buchanan, third assistant engineer on board the Confederate States vessel of war Rappahannock, commanded by W. V. A. Campbell, lieutenant commanding, Confederate States navy, do by these presents allot $30 per month of my pay for the support of my family. And I do hereby appoint Messrs. Jones & Co., ship-brokers, Liverpool, my attorney, to receive for that purpose from the navy agent at the port of Liverpool, England, the said sum of $30 monthly, for the term of twenty-four months, the first payment to be made on the 30th day of April, 1864.

In witness whereof I have hereunto set my hand and seal the 22d of February, 1864.

(Signed) JOSEPH BUCHANAN. [SEAL.]

In presence and with the approbation of—

(Signed) WILLIAM V. A. CAMPBELL,
Lieutenant Commanding, Confederate States Navy.

Registered by Douglas F. Forest, assistant paymaster, Confederate States navy.

[653] *[Inclosure 7 in No. 28.]

Affidavit of Charles Bennett.

I, Charles Bennett, able seaman, of Plymouth, England, do hereby truly, sincerely, and solemnly swear that I left London, with about thirteen others, by railway from London Bridge to Dover, thence by steamboat to Calais, about the latter part of November, and joined the steamship Rappahannock there as able seaman. I was not aware what kind of ship she was until I arrived on board. I signed articles to join the steamship Scylla at £3 15s. per month, in the Downs, for a voyage to the West Indies and back. This agreement was made at Scott's public house in Gravel Lane, Tower Hill. I do not know the man who shipped me. Had I known that the ship was a confederate man-of-war I should not have signed the articles to join her.

After I was received on board, it was three days before I commenced work. Then the best part of the men who brought her from Sheerness left her. Four riggers then came on board, and commenced fitting the ship, cleaning out the tanks, shell-room, magazines, and all the other rooms. The stores, such as rum, bread, rice, peas, sugar, and sundries, were then sent on shore to a private store. Four days after that some boiler-makers came from Sheerness to work on board, and commenced taking old tubes out and repairing the boilers. I with the seamen then commenced our regular work, putting things to rights on deck and aloft. Some days after that a report came to the ship that two United States frigates were in sight. Mr. Graves, the first lieutenant, said the vessel lay too much in sight, and it was shifted further back into the harbor. The old fan was removed from the Rappahannock, and a new one put into her. We then received stores, consisting of clothing, shoes, ribbons, and sundries. About three weeks ago ten of us were sent on shore to get some cases that had been received from England by the steamer. I was leading hand, and ordered to open them. They were opened and contained bull-rings, pieces of brass made to fit on the deck for the guns to travel in, enough for ten guns, and some copper fighting bolts. These are what the gun rests on, to allow them to turn any way while in use. The funnels have been fitted so as to lower with crutches on deck. The bolts and bull-rings were taken on board and stowed away in the gunner's store-room. A roll of cloth was then taken on deck, and the magazine screens cut out. For several days afterward nothing was taken on board but small fittings. On Wednesday, 10th February, three engineers and six firemen came on board, and in the evening the fires were lighted and banked up, and we were told that if it was foggy she would go out that night to Cherbourg, where the remainder of her crew were waiting to come on board. The fog, however, cleared away, and we did not go out. On Saturday evening, 13th February, at half past 6, I watched the port side of the deck—the side nearest the shore; and as the officer knew that I had tried to desert from the ship before, he sent me on the other side of the ship. As he walked aft, I jumped over the bow, took the end of a rope, and lowered myself into the water. I swam to a little boat that was lying the other side of the pier, landed, and ran as hard as I could away. At half-past 10 o'clock I went on the mail-boat that was going to Dover, and as there was no one awake on board, I went below and stowed myself away under hatches. On arrival at Dover, having no money, I sold my clothes to pay the passage over, or the boat would have taken me back again, and came to London. I never intended stopping on the Rappahannock after I knew she was a confederate ship of war.

(Signed) his CHARLES + BENNETT. mark.

Sworn by the deponent, Charles Bennett, at my office, No. 27 Nicholas Lane, &c.,
(Signed) JOHN CASTLE GANT,
A London Commissioner to administer Oaths in Chancery.

[Inclosure 8 in No. 28.]

Affidavit of Robert Dunn.

I, Robert Dunn, of Sheerness, boiler-maker, do hereby truly and solemnly swear that I went to Calais and joined the ship Rappahannock as fireman. I had previously called upon Mr. Rumble three times, as I heard he was shipping hands for her, and he had sent some of my shipmates and paid their carriage to Calais, but I was not able to see him. On my arrival at Calais I saw Gifford and the other boiler-makers sent by Mr. Rumble; they had been working all night drawing tubes. Gifford told me
[654] *Mr. Rumble gave him £15 to pay their passage over, and he (Gifford) told me if I had seen Mr. Rumble he would have paid my passage. I remained on board three days before I signed articles, and my time was dated back to the 1st of Decem-

ber at £5 19*s.* 10*d.* per month as fireman, as we were to share prize-money as the prizes were taken. Upon the day I shipped, five men came from Sheerness and joined the Rappahannock. They were all from Her Majesty's ship Cumberland. Two had deserted and the other three had been discharged, Mr. Rumble having bought their discharges for them. Mr. Rumble gave them the money to buy them out of the service a week before, and at the time the ship lay at Sheerness they told me how they could have duped Mr. Rumble if they saw fit. Robert Crickmore was the man that Mr. Rumble gave the money to buy the discharges for himself, Reuben Knight, and Murrens. This was at Sheerness pier-head. Robert Crickmore said this openly on board, and so did the other men several times. A marine who had deserted afterward joined as a coal-trimmer. The day after, Mr. Rumble came on board the Rappahannock about 12 o'clock midnight, and he asked Mr. Ramsay if those fellows had come on board. Mr. Ramsay said, "Yes, all right." I was in the engine-room and was coming up to report all's well, and heard this conversation; and Mr. Rumble added, "I must be off by daylight in the morning." Four or five days afterward I saw Mr. Rumble again, and I told Gifford I had seen him. He made answer, he "wished he had seen him, as they were getting very short of money." A gang of men, boiler-makers, fitters, came from Mr. Rennie's after the Sheerness boiler-makers had left, and commenced repairing boilers, putting in new tubes, &c. While they were on board some packing-cases were received from the shore; they were taken on board and unpacked. They contained brass slides, pivots, and galvanized iron ring-bolts for gun-slides. They were stowed away in the steerage, and were not to be placed in their proper places on deck until after the vessel left Calais. The treatment we received on board was very bad. I was promised by Captain Campbell that my wife should receive money out of my bounty during the time we remained at Calais, and half-pay so soon as it became due. She only received £2, and when I asked him to send some more he threatened to boot me. I saw Mr. Graves a week afterward about the same subject, and he said he would put me in slave-irons if I came aft any more about money. After I had been on board six weeks I received a half-pay check for £2 17*s.* 1*d.*, payable at Mr. Howe's, Fountain Inn, Sheerness, and on the 10th of February I received another half-pay note for £2 16*s.* 10*d.*, payable at the same place. On one occasion, while I was asking for my right about sending money to my wife, I was put in irons and kept so for twenty-four hours; and on another occasion while asking the same questions, they threatened to put thumb-screws on me. On the 12th of February I made my escape from the ship in consequence of the treatment I received, and as I thought my wife would not get the half-pay, as the notes were sent to Liverpool and returned unpaid, and afterward a check was given and paid at Mr. Howe's, Fountain Inn, Sheerness. These checks were drawn on Haggard & Co., Cheapside. There were on board slave-irons in great numbers, and revolvers; and the men on board were constantly in irons, and threatened with revolvers; in fact, none of the men will stop if they can get away. There were only about twelve men and boys on board when I left. After I returned to Sheerness Mr. Rumble sent for me on the 15th of February last, and asked me if I knew whether Mr. Ramsay wore his uniform before he went to London or afterward. I told him after he had been to London, so far as I knew. He asked my reason for leaving the Rappahannock. I told him it was in consequence of the bad treatment I received, and I could not see my way clear for leaving half-pay to my wife. He said he was sorry I had left. I thought the Rappahannock was a blockade-runner; had I known she was a confederate man-of-war, I should not have joined her.

(Signed) ROBERT DUNN.

Sworn at my office, No. 5 White Hart Court, Lombard street, in the city of London, this 29th day of February, 1864, before me,

(Signed) JOHN J. ANDREW,

A London Commissioner to administer Oaths in Chancery.

[Inclosure 9 in No. 28.]

Affidavit of Ludwig Kretschmar.

I, Ludwig Kretschmar, do truly, solemnly, and sincerely swear that I was boarding at John Seymour's, Wellclose Square, and in the second week of February I [655] *signed articles at Seymour's to join the steamship Florida at Brest, at £6 per month wages, with a bounty of £10, and 5*s.* a day while the ship remained in port. I was told I should be supplied with clothes and all other necessaries, so I sold what I had and spent the money. Two days afterward I was taken on board (with seventeen others) the steamer bound for Calais. On arrival at Calais we did not know where to go. A man then came from the confederate steamer Rappahannock, and told

us to come on board. We refused, as we were ordered for Brest. Finding we had nowhere to go, and being told that we were intended for the Rappahannock, we went on board, and on the following day the captain came to us and said he would pay us the bounty and wages at sea, and would pay our debts. As we wanted money we objected, and he told us that we should have no food unless we staid by. We all refused, and were put on board the Calais packet bound for Dover, from whence we had to beg our way to London. The Austrian consul put us in a boarding-house, and paid part of our passage to Dover, the remainder being paid by the French police.

(Signed) LUDWIG KRETSCHMAR.

Sworn at my office, No. 5 White Hart Court, Lombard street, in the city of London, this 4th day of March, 1864.

(Signed) JOHN J. ANDREW,
A London Commissioner to administer Oaths in Chancery.

We, Frederick Strandt, Joseph Trunick, Franz Junger, John Parell, and Henry Jesser, do truly, solemnly, and sincerely swear to the truth of the foregoing statement. We were all shipped by John Seymour at Wellclose Square, for the ship Florida, lying at Brest, and all went to Calais at the same time, and returned with him to Dover.

(Signed) FREDERICK STRANDT.
JOSEPH TRUNICK.
FRANZ JUNGER.
JOHN PARELL.
H. JESSER.

Sworn by the above-named five deponents at my office, No. 5 White Hart Court, Lombard street, city of London, this 4th day of March, 1864, before me,

(Signed) JOHN J. ANDREW,
A London Commissioner to administer Oaths in Chancery.

[Inclosure 10 in No. 28.]

Affidavit of Thomas Monk.

I, Thomas Monk, of Portsmouth, Hampshire, England, do truly and solemnly swear that about eleven months ago I was engaged by a stranger at Portsmouth to go to New Haven, and from thence by steamer to the French coast, and ran alongside the confederate steamer Georgia, and on arriving on board I joined her as quartermaster. There were three other men taken from New Haven at the same time, and the steamer had guns and ammunition for the Georgia. They were taken on board as we lay off the coast. The Georgia went to sea as soon as we had received the guns, and cruised toward the Cape of Good Hope. On the passage she took eight American ships, burned three of them, and bonded the other five. After we arrived at the Cape, we returned to France, and went into Cherbourg for repairs. No ships were burned on the return passage, but one was bonded. After we had been at Cherbourg some time, I was sent to the Rappahannock, at Calais, and then I returned home. While I was in the Georgia I received for the first six months £5 10*s.* per month, and afterward £6 per month; my wife receiving the half pay at Portsmouth, by post-office order from Mr. Jones, of Liverpool. That was received regularly while I remained on the ship. I remained at Portsmouth on leave for a week, and then joined the confederate steamer Rappahannock, at Calais, as boatswain, at £18 per month. Half was to have been paid to my wife by the same Mr. Jones, Liverpool; but she did not draw any. I joined her about five weeks back and staid on board until I received my discharge, on the 7th March. I applied for it, as I found it impossible to remain on a ship that was conducted like the Rappahannock—the captain and chief officer always creating some unpleasantness on board; and I did not like to remain on a ship that was intended to burn and destroy merchant-ships, unarmed and defenseless.

[656] *When I signed articles on board the Rappahannock, I made an arrangement with the purser respecting the half pay to be paid to my wife at Portsmouth, which was also to be paid by Mr. Jones, of No. 28 Chapel street, Liverpool.

(Signed) his THOMAS + MONK. mark.

Witness to the mark of Thomas Monk:

(Signed) JOSHUA MUNN.

Sworn at my office, No. 4 Nicholas Lane, Lombard street, in the city of London, this the 15th day of March, 1864, by the deponent, Thomas Monk.

(Signed) J. WILKINSON,
A London Commissioner to administer Oaths in Chancery.

The witness to the mark of the deponent being first sworn that he had truly, distinctly, and audibly read over the contents of the above affidavit to the said deponent, and that he saw him make his mark thereto. Before me,

(Signed) J. WILKINSON,
A London Commissioner to administer Oaths in Chancery.

[Inclosure 11 in No. 28.]

Affidavit of James Conner.

I, James Conner, do solemnly and truly swear that on Sunday afternoon, the 7th February last, I, with eight others, viz, James Graham, John Dow, Thomas Shrouder, Walker Dixon, John Pratt, Thomas Welch, Thomas Woods, and William Friend, were sent for to go to Major's public house, in Athol street, Liverpool. On going there we were met by four engineers, citizens of Liverpool, viz: William Bradshaw, Joseph Buchanan, and Messrs. Coats and Cunningham. Mr. Cunningham appeared to be the leader and spokesman of the other engineers. We were taken into a private room where liquor was abundantly provided. We were asked by Cunningham if we wanted a good ship and good pay. We asked for some particulars, and were told the ship was in London, and was going to Nassau to run the blockade, and that our pay would be £6 10*s.* per month, and that half-pay for our families could be drawn in Liverpool. We were told we were to sign articles in London. We left the same night for London, and on arrival were taken in cabs from Euston Square station to a public house outside the station, and from thence to the railway for Dover, and by the boat to Calais. On arrival at Calais, Cunningham said, "I have done with you now," and that he would turn us over to the captain. He took us on board the Rappahannock, and left us there. The captain of the Rappahannock asked us if we wanted to enlist. We told him we did not come to list; we came as firemen, not as soldiers. He then said he would settle with us to-morrow or the next day, and gave us a 20-franc piece to get some drink with, and further told us that he would give us 10*s.* a month more than Mr. Cunningham had promised us at Liverpool. We left the ship and returned the same night on board; and the next morning the captain promised us he would send half-pay notes on to Liverpool in a day or two, to be paid at Messrs. Jones & Co., Chapel street, Liverpool, and £10 bounty, to be paid twenty-four hours after we left port. We then signed articles. Something was read to us, but it was impossible to understand one word of it. We were then set to work cleaning engines and other regular work. After working two or three days we complained about the meat. It was short in quantity, and not what we were in the habit of having in port—being salt beef and pork. The captain put a revolver to my head, and swore he would shoot me or any of them who complained again. I and five others were put in irons, hands and feet, and kept so for seven days and nights for daring to make any complaints. We were afterward sent to work again below; the steam was got up, and the fires banked. I do not think they would have taken us out of irons if they had not wanted to get the steam up. The steam was got up two or three times during the next four or five days, and the fires were kept banked up all the time. I made two or three attempts to leave the ship, as I could not stay in her. I and others wrote to Captain North, at the Old Sailors' Home, Liverpool, and to Captain Packham, of the New Sailors' Home, Liverpool, and asked them to get us away. We told him how we had been deceived, and that, instead of a blockade-runner in London being the ship we were to go in, we had been taken
[657] to Calais and put on board the confederate *steamer Rappahannock. We never received any answer to these letters. On Sunday, the 20th March, I got ashore, and met a friend who promised to pay my passage to London; and as I had no intention of stopping by the ship when I knew what service she was intended for, I was glad of any chance to get away. I left by boat for Dover that same night.

his
(Signed) JAMES + CONNER.
mark.

Witness to the mark of James Conner:
(Signed) JOSHUA MUNN.

Sworn by the deponent, James Conner, at my office, No. 5 White Hart Court, Lombard street, in the city of London, this 21st day of March, 1864, the witness to the mark of the deponent being first sworn that he had truly, distinctly, and audibly read over the contents of the above affidavit of the said deponent, and that he saw him make his mark thereto. Before me,

(Signed) JOHN J. ANDREW,
A London Commissioner to administer Oaths in Chancery.

[Inclosure 12 in No. 28.]

Affidavit of John Ford.

I, John Ford, of Portsmouth, able seaman, do hereby truly, sincerely, and solemnly swear that, on Thursday last, March 13, I was in Dover, and when on the pier I was asked by a man, who appeared to be a waterman, if I wanted a ship. I said I did. He did not inform me, but told me to meet him on the next evening between 10 and 11 o'clock at the corner of Swargate street, and he said he would put me across. I went there at the time appointed and met him. He paid my passage to Calais, and told me to go down the pier and I should see a ship (steamer) that was very like an American ship, and that I was to go on board. He gave me 2*s.*, and told me to go to the Dover Castle, as I should not be able to go on board until the morning. The next morning I went on board the Rappahannock, and the officer on deck asked me what I wanted. I told him I wanted a ship, and that I was sent down to her. He said the captain was not there at present; he was gone to Paris; but that I could remain on board if I liked until Monday. On that day I signed articles in the cabin, but I did not know the nature of the articles or the voyage until after I had signed. The agreement was afterward read to me. It was to serve during the present war, at the rate of $22 per month, and £10 bounty, to be paid twenty-four hours after the ship left port; and there were some remarks in the articles about burn, sink, or destroy the enemy's ships. I then asked for two hours' leave, and the captain said I might have up to 7 o'clock. I returned about half-past 7, and the captain threatened to put me in irons, as I had only signed articles; so I jumped off the rail and ran up the pier and escaped. I returned to the Dover Castle, and at night went on board the boat and returned to Dover. I should not have gone had I known what ship she was. I thought she was an American ship, and not intended as a ship of war. The man at Dover who paid my passage to Calais was an Englishman. I should know him again if I met him.

(Signed) JOHN FORD.

Sworn at my office, No. 5 White Hart Court, Lombard street, in the city of London, this 21st day of March, 1864.

(Signed) JOHN J. ANDREW,
A London Commissioner to administer Oaths in Chancer.

[Inclosure 13 in No. 28.]

Affidavit of Thomas Shrouder and others.

I, Thomas Shrouder, of Liverpool, leading stoker, do hereby solemnly and sincerely swear that, on the 7th February, I was engaged at a public house at the corner of Athol street and Scotland road, by Mr. James Cunningham and Joseph Buchanan, engineers, for a voyage to the East Indies, at £6 per month wages. The ship was lying
[658] *at Gravesend. I was to go to London by train, and from thence to Gravesend; and eight others went with me. We were plied with drink. And at 11 at night were to be at the station in Lime street; and our wives were to receive a month's pay. On arrival there we were hurried into the train, and, having drunk freely, did not know where we were until we arrived at London. Our wives did not get a farthing, and we were not allowed to see them. After arrival in London we were put into four cabs and taken to London bridge, (as we learned afterward; we did not know ourselves.) We were taken to a coffee and public house there, and had a drink at the bar. Were then put into the train and sent to Dover, and then bundled on board the packet-boat and landed in France. On arrival at Calais we were taken on board a steamer. We did not know her name then, or what she was, but found afterward she was the confederate steamer Rappahannock. After we had been put on one side of the deck, the captain came and asked us if we wanted to enlist. James Graham, one of the stokers that left Liverpool with us, answered, "We did not come to list; we were engaged at Liverpool as stokers for a ship lying at Gravesend, bound for the East Indies." The captain said, as we were all the worse for drink, we had better have our grub and grog on board. And he asked the crew what sort of treatment they got. The crew would not give their opinion, and we found out afterward the reason why they would not was they were afraid, if they told the truth, and we complained, they would be put in irons. We told the captain we wanted to go on shore that night; so he gave us 20 francs to give the lot of us a run up town. I, James Graham, John Dow, and Walter Dixon staid on shore all night, and in the morning, after having had from eight to ten glasses of brandy each, we were taken down to the cabin to sign. No articles were read, but we made our own agreement, and swore to stand by our own agreement, and nothing more. He wanted us to swear allegiance to the confederacy, but we declined. Our wages were to be paid monthly, at £6 19*s.* 10*d.* per month, and we wanted a month's advance, but were promised £10 instead, to be paid three

days afterward. Our half-pay notes were to be given us at the same time, so that we might send them to our wives at once. They were to be made payable at Messrs. Jones, Higgins & Co., Chapel street, Liverpool. When the time was up, I asked for the note and advance, and was put in irons, hand and feet, and kept from that day, 12th February, to the 5th March, (twenty-two days and six hours in irons.) The captain wanted me to make an apology. I would not. He said that he would try me by court-martial so soon as the ship was at sea, and swore he would shoot me if found guilty, and if it lay in his power he would do his best to find me guilty. I remained on board until the 27th, and then got liberty to go on shore, and ran away. Our half-pay was to have been paid regularly every month by Messrs. Jones, Higgins & Co., so long as we remained by her. We were engaged for twenty-four months, and the half-pay notes were made out for that time. None of us should have gone in the ship but for Mr. Cunningham and Mr. Buchanan recommending her to us. They have also left the Rappahannock.

(Signed) THOMAS SHROUDER.

Sworn at my office, No. 5 White Hart Court, Lombard street, in the city of London, this 28th day of March, 1864.

(Signed) JOHN J. ANDREW,
A London Commissioner to administer Oaths in Chancery.

We, Samuel Garland and Thomas Woods, both of Liverpool, firemen, do solemnly swear that we were shipped at the same time, and that all the statements set forth by Thomas Shrouder are true and correct, with the exception of that part about the 20 francs and the time that Shrouder left, we having run away two days before, (Good Friday,) and were concealed until the boat left for Dover. We were both shipped in the same way by Mr. James Cunningham and Mr. James Buchanan, at Liverpool, and our half-pay notes are to be paid at Messrs. Jones, Higgins & Co.'s, Chapel street, Liverpool.

(Signed) SAMUEL GARLAND.
THOMAS WOODS.

Sworn at my office, No. 5 White Hart Court, Lombard street, in the city of London, this 28th day of March, 1864, by both deponents.

(Signed) JOHN J. ANDREW,
A London Commissioner to administer Oaths in Chancery.

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[59] *[Inclosure 14 in No. 28.]

Deposition of John Dow and others.

We, John Dow, John Pratt, and Walter Dixon, all of Liverpool, firemen, do truly and solemnly swear that we were shipped with six others by James Cunningham and Joseph Buchanan, at a public house, corner of Athol street, Liverpool, for voyage to the East Indies. They informed us that the steamer was lying at Gravesend waiting for firemen, the wages to be paid at the rate of £6 10*s.* per month. We were all well treated with drink, and they promised that our wives should have the month's advance if they came with us to the station, Lime street, Liverpool, at 11 o'clock; but instead of our wives getting any money, we were all hurried into the train, and more liquor given us in London. We were taken in cabs to the station for Dover, and on arrival there were put into the steam-packet for Calais; after we had arrived at Calais we were taken on board the Rappahannock, and in the morning asked if we wanted to enlist. Graham, one of us, said that we came as firemen, or stokers, and not as soldiers. We were then ordered to sign articles. They were not read over to us, but we were to have £6 19*s.* 10*d.* per month and £10 bounty instead of advance, which was to be paid in three days. Our half-pay notes were to be paid to our wives in Liverpool for twenty-four months, by Messrs. Jones, Higgins & Co., Chapel street, Liverpool. After remaining on board about seven weeks, and as the provisions were bad, and we were treated more like dogs than men, we left the ship, leaving our clothes on board. None of us would have gone to her had not Messrs. Cunningham and Buchanan deceived us. They told us she was for India. Had we known she was a ship of war for the confederates we would not have gone at all.

(Signed) JOHN DOW.
JOHN PRATT.
WALTER DIXON.

Sworn by all the deponents, at my office, No. 5 White Hart Court, Lombard street, in the city of London, this 31st March, 1860, before me,

(Signed) JOHN J. ANDREW,
A London Commissioner to administer Oaths in Chancery.

No. 29.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *April* 18, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, inclosing copies of a letter from the United States consul in London, and of the depositions of twenty-one persons relative to enlistments stated to have been made at various places in this kingdom for the so-styled confederate government, and to state to you that these papers shall be considered by Her Majesty's government.

I am, &c.,
(Signed) RUSSELL.

No. 30.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, May 4, 1864. (Received May 4.)

MY LORD: I have the honor to submit to your consideration copies of three more depositions, still further corroborating previous evidence as to the part taken by Mr. Rumble, an officer in Her Majesty's service at Sheerness, in providing men for the service of the insurgents of the United States. I would further solicit your lordship's particular attention to that portion of the evidence relating to the efforts of Mr. Rumble to obtain, by intimidation, a retractation of the testimony heretofore given against him.

Renewing, &c.,
(Signed) CHARLES FRANCIS ADAMS.

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[660] *[Inclosure 1 in No. 30.]

Depositions of Charles Bollen and Robert Russell.

We, Charles Bollen and Robert Russell, of the island of Guernsey, seamen, do hereby sincerely and solemnly swear, that on Thursday last, the 21st April, we were at Hot's coffee-house, in the highway, when a man named Miller asked us if we had a ship; we answered we had. He said, if we would come with him he would ship us on a London ship, a steamer, going to run the blockade, and that the wages would be £4 8*s.* a month and £10 bounty. As the wages were nearly double what we expected to get, we agreed to go with him, and took our clothes to his house, in High street, Shadwell. On arrival there he gave us 2*s.* to spend for the evening. We slept there that night, and on the following day, while at dinner, Miller told us we need not take our clothes with us, as we should not want them; they would find us clothes on board the ship. On the 23d April, Saturday morning, at 3 o'clock, we were taken on board the Rainbow, Calais packet; Miller went with us, and told us we should have a month's pay as soon as we had signed articles. We had no food, with the exception of a little piece of bread, until after we arrived at Calais. When we got to Calais, Miller took us and four others alongside the Rappahannock. As soon as we knew what ship she was, we refused to join, and told Miller he had deceived us. He promised us a London ship, and brought us down to the Rappahannock, confederate ship of war; we demanded our passage back to London. Miller said he would send us back to Dover only, and we might get to London how we liked. We were kept without food while we were at Calais, and on coming away only received a pig's foot and three small cakes. After landing in Dover we had to walk to London, and only had a small piece of bread that was given to us on the road. We never had any intimation of joining a ship of war, but were led to

believe the ship was a steamer going to run the blockade. Finding that we would not go in the Rappahannock, we were shut up in an office on the pier at Calais until an officer in uniform came to us, and Miller wanted us to sign articles, but we refused. The other four who went with us to London signed articles. Miller also wanted us to sign a paper for £2 10*s.* for passage and shipping, which we also refused.

(Signed) CHARLES BOLLEN.
ROBERT RUSSELL.

Sworn by both deponents, at my office, No. 5 White Hart Court, Lombard street, in the city of London, this 26th day of April, 1864, before me,

(Signed) JOHN J. ANDREW,
A London Commissioner to administer Oaths in Chancery.

[Inclosure 2 in No. 30.]

Deposition of George Thompson.

I, George Thompson, of Sheerness, England, engineer, do hereby truly and solemnly swear that, hearing from a friend an engineer was wanted for the Scylla, I went to Mr. Rumble's house on Friday, the 27th November last, for the berth. I saw Mr. Rumble, in the presence of Captain Sheppard, paymaster of the 13th depot brigade royal artillery. When Captain Sheppard had left, Mr. Rumble said, "Your name is Thompson?" I answered, "Yes, sir." Mr. Rumble then said, "I see here, by this note, you have been to sea; well, this ship is gone, and you are going as second engineer." I asked the wages; Mr. Rumble said, "For the second I can give $1,250 a year." I asked when I was to go. Mr. Rumble said, "By-the-by, do you know of any boiler-makers?" I answered, "I know of one, if he would let me go to London for him." Mr. Rumble said, "O, dear, no. I want you to go away to-night or to-morrow." I inquired after the half-pay, as I wanted to know how my wife and family were to get on in my absence. Mr. Rumble said, "That will be all right; the half-pay would be paid all right." I wanted some money for clothes, and asked where I was to get it. Mr. Rumble asked me how much I wanted? I answered, "About £20." Mr. Rumble said, "The Scylla—but I don't think that is her name now—is lying at Calais, and you will not want any clothes there; the uniform is gray, and they will supply that or anything you may want, as there is plenty of cloth, and men to make them on board."

Mr. Rumble likewise told me to bring my wife down to his house about 6 or 7
[661] *o'clock that evening, and he would settle the half-pay in her presence. In the evening, as my wife was getting ready to go to Mr. Rumble's, his messenger came and said that I was to go to Greathead's along with him. My wife and self went with Mr. Rumble's messenger, and Mr. Brampton, a fitter in the dock-yard factory, Sheerness, to Mr. Greathead's, chief engineer under Mr. Rumble, at Sheerness. Mr. Greathead asked my name, and he said, "As Mr. Rumble is not in town at present, I want to know if you will go in this ship, the Scylla?" I said, "Yes, provided they would come to my terms." Mr. Greathead asked me what I wanted. I said, "If you will give me £20 I will go away." Mr. Greathead answered that he was not in a position to give £20, but he would give me £10. I then said, "About the half-pay note; I suppose I can make the arrangement for that with Mr. Rumble or the captain on board the ship?" I also said, "I must have more than £10 if I go away to-night." Mr. Greathead said, "I can do no more, as I am waiting for a telegraphic message from Mr. Rumble, who has gone by London; he was sent for in a great hurry this afternoon. There is time to go by the train to-night; I will go to the station with you." I said, "Well, then, I shall not go until I have seen Mr. Rumble." Mr. Greathead then said, "Very good; you can see Mr. Rumble to-morrow." I then left him. On Saturday, 28th November, about dinner-time, I went to Mr. Rumble's house and saw Mr. Rumble. He told me to come again in the evening, and to bring my wife with me, and he would settle and see about my going away that night or on the Sunday, and also see about my wife's half-pay. In the evening I went again. Mr. Rumble said, "Well, Thompson, I suppose you are ready to go away?" I said, "Yes, sir, if you will settle about my wife's half-pay." Mr. Rumble said, "Fetch your wife in." I did so; and, in the presence of Mrs. Rumble and another female, Mr. Rumble said to my wife, "You can receive your half-pay here at my house, and that will be better than going to London for it, and will save you unnecessary expense and trouble." I asked him when I was to go away. Mr. Rumble answered, "There is a train going in about an hour; you can go by that. Then, Thompson, as I am going to take some boiler-makers on Thursday next, it will be as well to wait until then, and all go together." I said to Mr. Rumble, "Well, sir, if I am to go, I may as well go at once." Mr. Rumble said, "Well, Thompson, you can go to-morrow, if you like; but come to my house on Monday." On Monday, the 30th November, I called at Mr. Rumble's house; he was not at home. I

called again on Tuesday, 1st December; he was not at home. On Wednesday, 2d December, I called again, with the same result; and on Thursday, 3d December, I saw Mr. Rumble. Mr. Rumble said, "O, Thompson, I suppose you have come about going on board that ship, the Scylla. Well, you had better call again in a few days, and I will let you know, as her tubes are in a frightful condition, and she will in all probability lie there for a month or six weeks yet; so you have time to get yourself together a little." After that night nothing more was said to me by Mr. Rumble about joining the Scylla, or Rappahannock. I went back to work in the factory.

(Signed) GEORGE THOMPSON.

Sworn by the deponent at my office, No. 5 White Hart Court, Lombard street, in the city of London, this 19th day of April, 1864, before me,

(Signed) JOHN J. ANDREW,
A London Commissioner to administer Oaths in Chancery.

[Inclosure 3 in No. 30.]

Deposition of Edwin Shaw and William Hall.

We, Edwin Shaw and William Hall, hammermen, of Sheerness, Kent, do hereby truly, solemnly, and sincerely swear, that in the early part of November last we heard that the screw-steamship Scylla, of London, wanted several stokers, and that all parties to be engaged were to apply to Mr. Rumble. On the 16th of November, about a quarter before 10 o'clock at night, we saw Mr. Rumble, and said to him, "We hear you are engaging men for the Scylla, of London." Mr. Rumble said, "Yes;" and asked us to come inside. He took us into his back room, and said he knew she wanted several stokers, and asked us if we had ever been to sea. We answered no. Mr. Rumble then said the ship belonged to a friend of his, who had asked him to recommend some men for her; but he preferred men that had been to sea. He further said he knew nothing about the ship, and asked us if we knew of any men who had been to sea.

[662] *He would have liked us to go, had we been to sea before, but could not take himself to engage us then; but as we were respectable men, he thought there would be no trouble to get engaged, and that we had better go on board or come to his house again on Wednesday night, the 18th of November, and perhaps the chief engineer (Mr. Ferguson) would be there. On the 18th of November we called again at Mr. Rumble's house, saw him, and asked him if he had seen the chief engineer. Mr. Rumble said he had not, as he was poorly, but expected to see him in a day or so. On Saturday, 21st of November, we went again to Mr. Rumble's, with the same result. On Monday, 23d of November, we called again, at Mr. Rumble's request. Mr. Rumble then said, "I do not know what to do with you, men," and went and wrote a note to Mr. Ferguson, chief engineer, and gave it to us to take on board to Mr. Ferguson, and told us to go to Mr. Howe's, the Fountain Hotel, and the boat he, Mr. Howe, had engaged would take us on board. On the 24th of November we went on board, in company with William Lodge and Richard Spendiff. When we got there we asked for the chief engineer. He was not on board. We saw Mr. Ramsay, the acting master at the time, and told him we had a note from Mr. Rumble for Mr. Ferguson; and afterward Mr. Ferguson came on board, and we gave him the note and told him Mr. Rumble had sent it. Mr. Ferguson, without reading the note, said, "If Mr. Rumble sent you, get to work." We, however, wanted an understanding about the pay. Mr. Ferguson said we should have the same as the rest of the men, namely, 3*s.* 6*d.* a day and found until the ship goes away. We then wanted to know what pay we were to receive after the ship left. Mr. Ferguson then said, "Mr. Rumble told you, has he not?" We answered no. Mr. Ferguson said, "I don't know, then; but if you intend to go in the ship, get to work on the boilers at once; if not, clear out." We went up on the deck. After waiting some time there, Mr. Rumble and Mr. Greathead came on board. Mr. Rumble came up to us and asked if we had seen Mr. Ferguson, and what he said. We told him, and Mr. Rumble said we had better wait a little while, as the owner would be on board soon, and then the wages would be settled. After waiting some time longer Mr. Pearson came on board. Mr. Rumble introduced Mr. Pearson to us as the owner; and he said to Mr. Pearson, "These are the three stokers" (meaning us and William Lodge) "that I have got for you, and I have nothing to do with any besides these three men. One has been to sea before, the other two have not. They are respectable men; that is the reason I recommend them." The captain, Mr. Ramsay, then asked us what wages we wanted. After a little conversation we wanted £7 a month, and £5 was all that was offered. We walked away, and Mr. Rumble, who had been talking with Mr. Ramsay and Mr. Pearson, came and said that Mr. Pearson would give £6 a month, and h thought that was very good pay. We agreed to that. Mr. Rumble said there would be other privileges and ways of making money besides our good pay. We then asked

about our half-pay, and we were told that we could leave half-pay behind, and that the ship was going on a trial-trip and would be back in a day or two. We, however, wanted to engage at once. Mr. Rumble said that would be better still. We asked what clothes would be required on board the ship, and was told that a change was sufficient, as there would be plenty of clothes on board. We went in to the captain and received £6 each. Mr. Rumble said that they were to give Lodge £7 10*s.*, as he belonged to them, was a leading stoker, and had been to sea. Mr. Rumble then took our direction down, and said we might rely upon him; he would see our half-pay was settled. We then went down into the forecastle and told the other men what we had received. After a little disturbance there, and finding that the rest were only engaged for fourteen days, we refused to go, and gave the money back, and got on shore as soon as possible. Just before Mr. Rumble's examination at Sittingbourne, Mr. John Brampton, an engineer in the dock-yard steam-factory, came to us in the shop and said that it was reported that we had been engaged by Mr. Rumble to work on board the Rappahannock; and he advised us to write a letter to Mr. Rumble contradicting it, or we should very likely get the sack. Mr. Brampton then dictated a letter in pencil as to what we had better say. Appearer Shaw wrote the note, and Appearer Hall signed it. This note was altogether false; but we were afraid that we should be discharged if we refused, and hints were thrown out how the boiler-makers had been served. After the letters were sent we went to Mr. Rumble's house with George Thompson, at Mr. Rumble's request. When we arrived there we were called up into the parlor, one by one. Mr. Rumble, Mr. Parks, and another gentleman were present. Mr. Rumble asked whether we had written the letters he held in his hand. We answered we had. He then said, "You here say that I did not engage you, or assisted to engage you; the captain was the only man that engaged you. This you assent in the presence of these two witnesses?" Fearing what would be the result if we denied it, we each answered "Yes," and left the room. Mr. Rumble afterward
[663] *asked us down-stairs to take some ale, which we did. We knew that Mr. Rumble had engaged us, and that we should stand a very poor chance if we set ourselves in opposition to him, so did as he wished and denied it in the letter. A man named Henry Pearson Wilson, but that he went by the name of Jackson, at Sheerness, representing himself as a detective, met us at Lodge's house on the 3d of March last, and showed us a letter written by Lodge, and he said how much better that read than the one we had sent. He afterward offered to write one for each of us, copied from the one he had of Lodge's, and that he would see us the next night about it. On the next night, the 4th of March, we saw him again, and he read the note he had written, and on the following night, the 5th of March, he brought one for each and asked us to sign, which we did; and as he was a detective we were afraid that if we did not comply it would be all the worse for us.

(Signed) EDWIN SHAW.
WILLIAM HALL.

Sworn by both of the deponents at my office, No. 37 Nicholas Lane, in the city of London, this the 22d day of April, 1864, before me.

(Signed) JOHN CASTLE GRANT,
A London Commissioner to administer Oaths in Chancery.

No. 31.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 7, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 4th instant, inclosing copies of three more depositions relative to the part taken by Mr. Rumble in providing men for the steamer Rappahannock. These depositions, as well as those inclosed in the letter which you did me the honor to address to me on the 16th ultimo, have been referred, without loss of time, to the proper department of Her Majesty's government.

I am, &c.,
(Signed) RUSSELL.

No. 32.

Mr. Adams to Earl Russell.

LEGATION OF THE UNITED STATES,
London, May 23, 1864. (Received May 24.)

MY LORD: I have the honor to submit to your consideration a number of additional depositions, all going to show the continuance of the practice of enlistments of British subjects by the insurgents of the United States and their agents within this kingdom.

I have, &c.,
(Signed) CHARLES FRANCIS ADAMS.

[Inclosure 1 in No. 32.]

Deposition of Maurice Breen.

I, Maurice Breen, of William's Place, William street, Liverpool, fireman, make oath and say as follows: I am a British subject. On Saturday last, May 14, I was at home, and a fireman, named John Fleming, came to me and told me that he had made an agreement with Mr. Campbell to go a voyage, and that he had mentioned me to Mr. Campbell as likely to go; accordingly I went with him to Mr. Campbell's house, No. 28 Regent street; Mr. Campbell has a clothing-shop there. It is a kind of private shop in an inner room. There Mr. Campbell asked me if I knew the agreement; I said no, but I will know. He then told me that I was to get £7 per month and £10 in hand, and half pay to be left behind, that is, paid here. Out of the £10 in hand he was to deduct £2 for himself, he to pay all expenses of traveling. I agreed to go on these terms, but did not sign any agreement. That night I took my bag to his house [664] to be *forwarded, and the next morning we went by appointment to the Lime-street railway-station, where we met Mr. Campbell, and went with him in a third-class carriage of the half-past 9 train. I believe nineteen tickets were taken, and there were about as many men. We arrived in London about 6 or 7 in the evening; we went into a public-house near Euston Square, and Campbell gave us a drink all around; we then got into a van in which our luggage was. While we were in the van a man who seemed to be second in command, who was a carpenter, passed the word to us that we were to call Campbell Captain Thompson from that time forth. We were driven to a hotel on the opposite of London Bridge, near the railway-station, and slept there. Next morning (Monday) we had breakfasted there, and took the train for Dover, and arrived there about noon. The carpenter took us into a hotel, but Campbell took us away from that hotel into another. He paid for all the drink we had there, and dinner and supper. In the evening we were grumbling at not having enough to drink, and we went to the first hotel, from which we had been taken away by Campbell, and had more drink. The carpenter ordered the drink for us, and Campbell paid for it, 11*s*. At night, about half past 10, we left by the mail-steamer for Calais, which we reached very early in the morning. We all went into the hotel there, and had something to eat and a drink apiece, and slept there for the rest of the night, and had breakfast there; we were then taken to a ship, which I believe to be the Rappahannock. I think the name was Rappahannock, because when we were at Dover the people asked us if we were going on board the Rappahannock, and at Calais the people asked us the same question. It was a steamship with two funnels, rigged like a ship. Before I left Liverpool I knew that I was wanted for a southern privateer. Campbell told me that I was wanted for a southern privateer, but he would not tell me the name of the ship. When we got to the ship, Campbell went aboard, and the carpenter and some others. Campbell then came back to us, and said that they wanted no firemen, but any deck hands or sailors who chose to stay would be employed. I did not choose to go as a deck hand, nor did any of the firemen. We knocked about there for several hours. Campbell told us to go to a public house for our dinner and tea, and we went there in the evening. Campbell went with us to the French custom-house, where we got our luggage, and he put us on board a London steamboat and paid our passage, and came with us. We arrived in London on Wednesday morning; we took the train for Liverpool about half (?) 11. There were eleven of us returning. In the train I asked Campbell if we were going to get anything for our lost time. He said he could not do anything for us, as he should be a greater loser than any of us. I said it made no matter who was a loser, and would get my wages. He said he could not do anything. He was nearly a ruined man by the expedition. I asked him who had paid our expenses to France and back again. He

said he had paid it out of his own pocket, but he was repaid by the officers of the ship for all expenses of the men who staid on board. He said he was clear as to them, but he was loser as to all who had returned. I asked him why he had not brought us before the officer, and left us to speak for ourselves and ask for payment, and I said he was the man who had brought us, and he must pay us. We reached Liverpool, and he gave us a drink, and gave me a five-franc piece to pay for a donkey to carry our baggage, and we left him. Next day (Thursday) I called to see him twice, and found him in the second time. I asked him again to pay us for our lost time. He said he had met the rest of us in Chapel street, and that they were to meet at half past 4 at Jones's office. I went to Jones's office at that time, and we all met there, and Campbell called me and another man into the office; there was a young clerk there, about sixteen or seventeen. Campbell said to him, "These are the men that have been sent to the Rappahannock, and they have come back and want to get something for their lost time." The clerk said, "I know nothing at all about it." I then left the office, and Campbell came after me and told me he had seen J. W. Carr, the attorney, in Castle street, and mentioned this affair to him, and Mr. Carr said he could not attend to it till Saturday next, but would attend to it then; and Campbell wanted us all to go with him to Mr. Carr, and see what could be done to take proceedings against the ship for our lost time. I told him to look out for himself for his payment, and that I should look to him for mine. I have not seen him since.

(Signed) MAURICE BREEN.

Sworn at Liverpool, this 20th day of May, 1864, before me,

(Signed) ISHAM A. ESELL,

A Commissioner to administer Oaths in Chancery in England.

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[665] *[Inclosure 2 in No. 32.]

Deposition of John Fleming.

John Fleming, of No. 3 Court, Lightbody street, Liverpool, in the county of Lancaster:

On Thursday, the 12th day of May, instant I heard that Mr. A. Campbell, of Regent street, Liverpool, aforesaid, boarding-house keeper, was in want of men to join a steamer which was lying at Calais, in France, and I called at his house to see him about it, when he told me that there was a good chance for me to join a steamer lying in France, and that I should receive £7 a month as fireman, and that I would be paid £10 on signing articles. I agreed to go, and Mr. Campbell told me that he did not know what day I should be required to join; and on the following Saturday I called upon him, when he directed me to bring my bag to his house the following night. I brought my bag on the Saturday night, as directed, when he said that he was short of hands, when I told him that I would bring my brother-in-law down to see him, and he directed me to call the following Sunday morning. I told Barnard Cassidy and Maurice Breen, my brother-in-law, of this, and they saw Mr. Campbell and agreed to go with me. Campbell then took me and the others, on the Sunday morning, to the Lime street railway station, and paid our fares to London, he coming along with us. We arrived at London on Sunday night, and Campbell took us to a hotel and paid for our lodgings for the night. On the following Monday morning he took us to a railway-station and booked us for Dover, and we left Dover about 10 the same night for Calais, and arrived there about 3 in the morning. When we arrived at Calais we were taken to the De Victoria Hotel, where we slept the night. Early in the morning, after breakfast, Campbell took us on the shore to look at the Rappahannock, when Campbell went on board her; and some time afterward he came ashore again and told us that we should not be required, and asked us what we required, when we told him that we should require our passage paid home again and something for lost time. He then took us on board a steamer and brought us to London. When we arrived at London he took us to the railway station and booked us for Liverpool, having first given us a supply of provisions and drink. We arrived in Liverpool on the 18th of May instant, and we asked Mr. Campbell to pay us for our lost time, when he said that we must meet him at Jones & Co.'s office, Chapel street, in Liverpool aforesaid, on Thursday, at 4 o'clock, when he would see what he would allow us. I went to Jones's office, and in the doorway I met Mr. Campbell going into the office, and waited outside for him; and when he came out he told me that he was sorry he could not get any money for me; that it was a great loss to him; when I told him that he had engaged me, and I would look to him for my money.

I signed a paper, which Mr. Campbell handed to me previous to going with him to London, entitling him to £2 if I was engaged on the Rappahannock.

(Signed) JOHN FLEMING.

Sworn at Liverpool aforesaid this 20th day of May, 1864, before me,

(Signed) ISHAM H. ESELL,

A Commissioner to administer Oaths in Chancery in England.

[Inclosure 3 in No. 32.]

Deposition of Bernard Cassidy.

Bernard Cassidy, of 3 Court, Lightbody street, Liverpool, in the county of Lancaster, makes oath and says as follows:

On Saturday, the 15th day of May, instant, I heard from John Fleming that he had been engaged by Mr. Campbell, of Regent street, Liverpool, to join a steamer lying in France at £7 a month, and I accompanied him to the railway-station to see him off. When I saw Mr. Campbell I told him that if he was short of hands I would go, when he said "All right, you can go on the same terms as the other men," which I agreed to; and I signed a paper which was handed me by Mr. Campbell, entitling him to £2 if I was engaged on the steamer. We left Liverpool the same night for London, Campbell paying our fares there, and on our arrival we were taken to a railway station and booked to Dover, and from there to Calais. On our arrival at Calais we were taken to a hotel, and, after a few hours' sleep, Campbell invited us to go and [666] look at the ship. He went *on board the Rappahannock, and some time afterward he returned and informed me that he was sorry that we were not wanted, but that he would pay our passages home. He then took us to another hotel, and after we had dinner he took us on board a steamer and paid our fares to London. When we arrived in London Campbell took us to a public-house, where we had some refreshments, and were afterward taken in cars to the Euston Square railway station, and Campbell paid our fares to Liverpool, where we arrived on the 18th instant. When we arrived at Liverpool we asked Campbell to pay us for our lost time, when he directed us to call at Jones & Co.'s office, Chapel street, Liverpool, when he would see what he could get for us. I did not call at Jones & Co.'s office as directed. One of the men, whose name, I believe, is Connor, who came with us, informed me that himself and several others who had gone with us had been recently paid off from the Confederate steamer Georgia, and that his pay would run until he joined the Rappahannock.

(Signed) his BERNARD + CASSIDY. mark.

Sworn at Liverpool, in the county of Lancaster, this 20th day of May, 1864, this affidavit having been previously read over to him, and he appearing perfectly to understand the same, and made his mark thereto in my presence.

(Signed) ISHAM H. ESELL.
A Commissioner to administer Oaths in Chancery in England.

[Inclosure 4 in No. 32].

Deposition of W. Rawlinson.

I, William Rawlinson, of 91 New Edgar street, Liverpool, in the county of Lancaster, fireman, make oath, and say as follows: I am a British subject. On Thursday, the 12th May instant, I was at the Birkenhead docks landing, talking to Patrick Bradley, a friend of mine who was working on board the Georgia, when he told me to speak to Mr. A. Campbell, of 28 Regent street, Liverpool, boarding-house keeper, as he thought he wanted hands to join a steamer. I went to Mr. Campbell and asked him if he wanted hands, when he said he did, and directed me to see Bradley again, and he would tell me more about it. I saw Bradley the following Saturday, when he told me to be at Walker's public-house, Regent street, at half past 8 the same night, with my clothes. I went to Walker's public-house as directed, when Bradley came in with several other men, and Bradley took us all down to Campbell's house. Campbell then took down our names and told us to be at the Lime street railway-station at 7 o'clock the following Sunday morning. I then asked Campbell what the wages would be, when he said I should get £6 a month and £10 bounty, and that I would have to pay him £2 out of the bounty money, and I signed a paper to that effect. We all left our clothes at Campbell's house. I went to the railway station at 7 o'clock the following Sunday morning, and saw Campbell and the other men there. Campbell paid my fare to London, where we arrived about 9 the same night, and we were taken to a public house and staid the night. The next morning we were taken to a railway station and booked for Dover, arriving there about noon. At Dover we were taken on board the mail steamer, and our fares were paid by Campbell to Calais. We arrived at Calais about midnight, and we were taken to a public house and slept the night. Early in the morning I went alone to the shore to look for the steamer, and discovered that she

was the confederate steamer Rappahannock, and went on board of her. I saw a friend of mine on board, who asked me if I was going in her. I said I was, and asked him where she was going. He said she was a confederate. I then came ashore and went back to the hotel and had breakfast, and Campbell took us all down to the ship. Campbell went on board her with several of the men, and I was afterward called on board by the carpenter, who took me to the lieutenant, who asked me what ships I had been in. I told him, and he said, "All right." I then went ashore, and in a short time afterward Campbell came ashore and said to us that it was a hard job; that, after bringing us there, they did not want any more men of our trade. While Campbell was telling us this the lieutenant called me on board again and asked me if I would sign articles to serve as a deck hand at £3 12*s.* a month, and £10 when we got in blue water; but when I found out the service she was in I declined to go and came ashore again, and Campbell came up to me and said there was no chance for me unless I went as a deck hand. I told him I would not, and I intended to go home again. I then asked Campbell for money to pay my fare back again, when he said he did not [667] think he had *enough for us all; but I insisted upon his getting the money, and we were taken to another hotel, and, after having refreshments, Campbell paid our fares to London, he coming with us. When we arrived in London we went to a public house, and afterward to the railway station, and Campbell paid our fares to Liverpool, where we arrived on Wednesday last. On our arrival I asked Campbell who was to pay me for my lost time, when he said he would see about it, as it was a bad job for him, but directed us to meet him at Jones's office, Chapel street, Liverpool, the next day, (Thursday.) We all went to Jones's office and waited outside, when Campbell came out and said there was no one in, and that he was not quite sure whether Jones or Fraser & Co. were agents for the ship, and that if I met him on the following Saturday morning he would see what he could get for me. I declined to meet him again, and told him that he had engaged me and I looked to him for the money, and if he did not pay me I would make him. On our way from London to Liverpool Campbell told me that this had been a very bad job for him; that he had made well out of the Alabama and Georgia, but this one was the worst he had had.

(Signed) W. RAWLINSON.

Sworn at Liverpool aforesaid, this 21st day of May, 1864, before me,

(Signed) JAMES THORNELY,

A Commissioner to administer Oaths in Chancery in England.

[Inclosure 5 in No. 32.]

Deposition of John Davies.

I, John Davies, of No. 5 Prince's Walk, Great Howard street, Liverpool, fireman, make oath and say: On Thursday, the 12th day of May, a man named Conner called at my lodgings and asked me if I wanted a job. I said "Yes; do you know where I can get one?" He said, "Yes; go down to Campbell, in Regent street." The next morning I called at Campbell's house and asked him if he could give me a job. He said he could, and directed me to bring my clothes down to his house the following Saturday night. I brought my clothes as directed, when Campbell told me to be at the Lime street station between 7 and 8 the next morning. I asked him what terms I was going on, when he said £6 a month and £10 bounty, and I was to pay him £2 out of my bounty-money. I brought my clothes down to the station the following Sunday morning, and saw Campbell with other men there. Campbell paid our fares to London. When we arrived he took us to a public house, where we staid the night, and on the following morning we were taken to a railway station and booked for Dover, and from there to Calais. When we arrived at Calais Campbell took us to a public house and we staid there all night. On the Tuesday morning Campbell took us down to the beach, where the confederate steamer Rappahannock was lying, and he went on board her, leaving myself and another on the beach. In a short time Campbell came ashore again and said to us, "This is a nice job; after bringing you men here you are not wanted; all the places are filled." He took us all back to a hotel and paid for a drink for us, and Campbell told us we should have to wait with him, as he would have to send home for money. We waited at the hotel until night, when Campbell took us on board the mail-steamer and paid our fares to London. When we arrived in London Campbell took us in cars to the railway station and left our luggage there, and after having some refreshments Campbell paid our fares to Liverpool. On our arrival we asked Campbell who was to pay us for our lost time, when he said he would see about that. Campbell engaged a cart for our luggage and gave us some drink, and we told him we would see him in the morning. We called at his house the next day, but he was out, and we went to Jones's office, Chapel street, and after waiting there some time

Campbell told us that he had not got any money for us yet, and asked us to meet him on Saturday, which we declined doing.

(Signed) his JOHN + DAVIES. mark.

Sworn at Liverpool, in the county of Lancaster, this 21st day of May, 1864; this affidavit having been previously read over to the deponent, and he appeared perfectly to understand the same and made his mark thereto in my presence.

(Signed) JAMES THORNELY,
A Commissioner to administer Oaths in Chancery in England.

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[668] *[Inclosure 6 in No. 32.]

Deposition of Matthew McMullan.

I, Matthew McMullan, of Stone street, Liverpool, in the county of Lancaster, fireman, make oath and say as follows: Last Thursday week, the 12th of May instant, I met a person named Lyon as I was in a public house in Prussia street, in Liverpool aforesaid. He said he would get me a job, and that he was going to join a boat in France. I asked him what the wages would be. He said his wages would be £7 per month; but he did not know what mine would be. We then went together to No. 28 Regent street, being a house kept by Campbell as a boarding-house. I had a card given me with his address. There were several other persons there. We sat down and had some beer together, and a person I know since to be Campbell asked how many could we muster now, and if I had a bag. I said not then. Campbell thought I was going to remain there for the night, but I did not. On Saturday evening following I, with others, went to Campbell's house. I saw him; he said he had made it all right, and I, with the others, were to be at his house Sunday morning at 8 o'clock. I and John Davies went there accordingly, and saw Campbell and several others. I went in, and a person I took to be Mrs. Campbell asked me to write my name. I did not do so, but took the pen in my hand. It was there arranged by Campbell I should go with the others to Lime street station and meet him there at half past 8 o'clock. I did so, and our fares were paid for London. We stopped that day in London and took the train next morning for Dover, our tickets being given us as before, and arrived there about half past 10 o'clock in the evening.

Campbell accompanied us to Dover and went to Calais with us, and appeared to take an active part in the arrangements. We went on to Calais the same evening and arrived there about midnight, and went to a hotel and stopped there for the night. After taking breakfast I saw Campbell outside the hotel door, and he said, "Have all hands got their breakfast now?" Some one said "Yes." He said there were four of us to get breakfast first. I went soon after this, with others, to the ship, which I have since heard was the Rappahannock. I was looking on when Campbell by this time came up and went on board. I saw him talk to a person on board, apparently an officer, and he afterward came on shore and said to us, "This is a fine job; after I have fetched you here there are no firemen wanted." Campbell then said he would see the captain and see about getting the money for the fares back from him. Campbell took us back to the hotel and ordered dinner for us, and then went to get our bags out of the custom-house, and took the bags of the men that went into the ship to the ship, giving the other bags back to those who did not go. I and the others who were not wanted began to talk of how to get home. The mistress of the house where we staid said we could get a boat about half past 10 o'clock for London. Campbell paid our fares and we returned. We then wanted to stop in London, and asked him if he could make any arrangement with us, and we offered to take £1 10*s.* each; but he would not give it to us, only the fare from London to Liverpool, which we would not take. Campbell then finding no arrangement could be made with us, returned with us to Liverpool, paying our fares and giving us refreshment by the way. On arriving in Liverpool Campbell got all the bags in a cart, giving to Maurice O'Brien to pay the carter a five-franc piece and two shillings as a treat. The next day I met Campbell in Regent street, who treated me with the eight others to some drink.

(Signed) MATTHEW McMULLAN.

Sworn at Liverpool aforesaid, this 21st day of May, 1864, before me,

(Signed) JAMES THORNELY,
A Commissioner to administer Oaths in Chancery in England.

[Inclosure 7 in No. 32.]

Depositions of John McClusky and Patrick Bradley.

We, John McClusky, boarding at No. 1 Blackstone street, Liverpool, and Patrick Bradley, boarding at No. 33 Standish street, Liverpool, firemen, make oath and say:

We are both British subjects. On last Monday week we were on the Cheshire side of the water, standing beside the Georgia, looking out for a job, when a man asked us if we would like a job, and gave us a card bearing Mr. Campbell's name and [669] address, and *told us to apply there. We have since seen this man at Mr. Campbell's. . That night we went to Mr. Campbell's, No. 28 Regent street, Liverpool. He asked us what we wanted of him. We said we understood that he had an order for some firemen. He told us to call again on Wednesday. We called then, but he was at the theater. We had a job on the Georgia cleaning her up, and we did not go to Mr. Campbell's on Thursday night. He came to the Georgia on Friday and said he had been expecting us the night before. We said we would go that night to see him. We went accordingly, and he agreed with us to give us £10 down and £6 a month. Out of the £10 we were to give him £2 for his bother. He told us to leave our bags at his house on Saturday night. We did so, and went to his house by appointment at 8 o'clock on Sunday morning. He took down our names and we went to the railway station and started with him for London by the half past 9 o'clock train. We arrived in London in the evening and slept there that night. He gave us refreshments and drink on the way, and we had every accommodation. We went to the station beside the bridge to go to Dover the next morning, (Monday,) and arrived there about the middle of the day. We had a kind of a notion of where we were going. We took the packet that evening to Calais and arrived there early on Tuesday morning. We staid at a hotel there the rest of the night. About ten o'clock or so we went down to one of the quays and saw a ship with the confederate flag flying. It was a steamer. Campbell and a man who was a carpenter (who said he had been out in the Georgia, and who seemed to know all about it) went on board. The carpenter had come with us from Liverpool. We heard some people on the quay speaking of the ship as the Rappahannock. We all knew at Dover where we were going, and the people at Dover knew it. The boarding-house keeper at Dover, where we had our dinner, said others had been before on the same errand. Campbell came back and said that there were no places for firemen, and began to lament his case, and said what expenses there had been, and this and that. We went away then to the Dover Castle Inn, and started next night with Campbell for London by the steamer. The carpenter and one of our chaps, a trimmer, (an Englishman, I think,) staid on board the Rappahannock. We came to London and came back to Liverpool. Campbell paid all the expenses. When we came to London we asked him to give us something for our lost time, and said if he would do so we would stay there. He offered us our train-money to Liverpool, but said he could not give more, because this expedition had ruined him. The carpenter told us at Calais to go to Jones's office, 28 Chapel street, Liverpool, and state our case, and get something for our lost time, if we could. We went with some others, but did not see any one but a clerk, but Mr. Jones was out. We know nothing more.

(Signed) JOHN McCLUSKY.
P. BRADLEY.

Sworn on the 21st day of May, 1864, before me,
(Signed) JAMES THORNELY,
A Commissioner to administer Oaths in Chancery, in England.

[Inclosure 8 in No. 32.]

Deposition of William Rawlinson.

I, William Rawlinson, of 91 New Edgar street, Liverpool, in the county of Lancaster, fireman, make oath and say as follows:

During the time I was at Mr. Campbell's house engaging to go in the steamer Rappahannock, referred to in my affidavit of the 21st instant, I saw a man there whose name, I believe, is Robert Neal. Neal is a ship-carpenter by trade, and he accompanied me and others to Calais to join the steamer, his expenses being also paid by Campbell. Neal told me at Calais that Campbell had got him the job, and that he had signed articles to serve as carpenter's-mate at the rate of £14 a month. There were several other men who had gone with us to Calais, but whose names I do not know, engaged to serve on board the steamer, and we left them and Neal on board of her.

(Signed) W. RAWLINSON.

Sworn at Liverpool aforesaid, this 23d day of May, 1864, before me,
(Signed) JOHN YATES,
A Commissioner to administer Oaths in Chancery in England.

[670] *[Inclosure 9 in No. 32.]

Deposition of Maurice Breen.

I, Maurice Breen, of William's Place, William street, Liverpool, in the county of Lancaster, fireman, make oath and say as follows:

On Saturday, the 14th May, instant, when I was at Mr. Campbell's house agreeing with him to join the steamer referred to in my affidavit of the 21st instant, I saw Robert Neal, a ship's-carpenter, there; I again saw Neal, the following Sunday morning, in Campbell's house, and I afterward saw him at the railway station. Neal came with the other men to Calais, Campbell paying all his expenses. When we arrived at the Rappahannock Neal went on board of her with Campbell, and he was engaged to serve as carpenter's mate, and we left him on board.

Several other men who came with us are well known to me, but I cannot remember their names. These men were all engaged by Campbell, and they signed articles to serve on the Rappahannock, and remained on board her when I left.

(Signed) MAURICE BREEN.

Sworn at Liverpool aforesaid, this 23d day of May, 1864, before me,

(Signed) JOHN YATES,

A Commissioner to administer Oaths in Chancery in England.

[Inclosure 10 in No. 32.]

Deposition of Matthew McMullan.

I, Matthew McMullan, of Blackstone street, Liverpool, in the county of Lancaster, fireman, make oath, and say as follows:

Upon several occasions, when I called at Mr. Campbell's house to engage with him to join the Rappahannock, referred to in my affidavit of the 21st of May instant, I saw a ship's-carpenter there, named Robert Neal. Neal appeared to me to be lodging at Campbell's house. I again saw Neal at the railway-station on the Sunday morning, and he accompanied us to Calais, Campbell paying our expenses. When we arrived at the steamer, Campbell took Neal on board with him, and Neal was engaged as carpenter's-mate.

Several of the other men who came with us were engaged, and they signed articles to serve on the Rappahannock, and we left them on board of her. I saw all the men who joined the steamer at Campbell's house on the Sunday morning previous to our starting for London.

(Signed) MATTHEW McMULLAN.

Sworn at Liverpool aforesaid, this 23d day of May, 1864, before me.

(Signed) JOHN YATES,

A Commissioner to Administer Oaths in Chancery in England.

No. 33.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *May* 26, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 23d instant, inclosing copies of depositions respecting the engagement of seamen for service on board the Rappahannock, and I have to state to you that the matter shall not fail to receive the careful attention of Her Majesty's government.

I am, &c.,

(Signed) RUSSELL.

[671] *No. 34.

Mr. Greenwood to Mr. Hammond.

TREASURY, *June* 16, 1864. (Received June 16.)

SIR: Referring to my letter of the 14th June, as to the information desired by the law-officers for the trial of "Queen against Rumble," it seems to be desirable to ascertain what applications were made by the officers of the Rappahannock to the authorities in the port of Calais, or to the French government, for repairing the vessel there; 2dly, for equipping or arming her; 3dly, for her remaining in, or quitting the port, (together with the answers to such applications, and what was done in consequence.)

The solicitor-general suggested, in consultation, that application should be made, through you, to Lord Cowley, to ascertain as much of these matters as ought to be in his lordship's power.

The vessel having hoisted confederate colors at Calais, and presented herself there as a ship of war, it is not probable that the British consul would take any part in these transactions; but he might be able to give very useful advice as to the channels through which further information might be sought.

It would be very desirable, therefore, that you should be good enough to request him to come to London forthwith—for example, in time to be seen to-morrow afternoon, (Friday 17th.)

I am, &c.,
(Signed) JOHN GREENWOOD.

No. 35.

Earl Russell to Earl Cowley.

FOREIGN OFFICE, *June* 16, 1864.

MY LORD: I inclose herewith to your excellency a copy of a letter from the solicitor to the treasury,[1] with reference to the case Queen *vs.* Rumble, from which you will perceive that the law-officers of the Crown desire to be furnished with certain information as to the proceedings of the Rappahannock in the port of Calais.

Her Majesty's consul at Calais has, in compliance with Mr. Greenwood's suggestion, been summoned to London, and I have to instruct your excellency to direct Captain Hore to see whether he can obtain any information in Paris upon the points mentioned in Mr. Greenwood's letter.

The matter is urgent, as the case is set down for trial at the present sitting.

I am, &c.,
(Signed) RUSSELL.

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[1] No. 34.

No. 36.

Earl Cowley to Earl Russell.

PARIS, *June* 17, 1864. (Received June 18.)

MY LORD: In compliance with the instructions contained in your lordship's dispatch of yesterday's date, Captain Hore has made the inquiries respecting the Rappahannock, suggested by the solicitors of the treasury, and I inclose his report herewith.

I have, &c.,
(Signed) COWLEY.

[Inclosure in No. 36.]

Captain Hore, R. N., to Earl Cowley.

PARIS, *June* 17, 1864.

MY LORD: In obedience to your lordship's directions I have made inquiries at the ministry of marine regarding the Rappahannock, as desired by Earl Russell's dispatch of the 16th instant.

I was shown the papers connected with this vessel, of which the following is a summary:

When the Rappahannock arrived at Calais, the captain, then Mr. Campbell, [672] *produced a commission from the president of the Confederate States, appointing him a first lieutenant in that navy, and to command the Rappahannock; that vessel was then accepted as a man-of-war by the French government, and the commander was informed that he would be permitted to make good what repairs were necessary to fit for sea; but no additions would be permitted to her warlike qualities, and that the laws of neutrality, as set forth in the declaration, must be strictly complied with. The repairs were proceeded with, and changes were made among the crew without adding to their number for some time; later, however, it was discovered that the crew had been nearly doubled, and amounted to 80 men. The French government then informed the captain that he had committed a breach of the law of neutrality, and consequently would not be permitted to leave Calais. The commander has since made application to do so, and has been refused. The question is now before the "cours des contentieux," attached to the "affaires etrangères," and has not yet been decided.

It thus appears that no written applications were made for permission to repair and arm, and that the French government pointed to the declaration of neutrality as the guide and rule which must be observed by the Rappahannock.

I have, &c.,
(Signed) E. HORE.

NOTE.

Reports of the trial of Mr. Rumble in the court of Queen's bench will be found in the Times of April 26, May 4, 5, and December 6, 1864, February 2, 3, 4, and 6, 1865.

The jury acquitted the defendant.

Messrs. Jones and Highatt were tried at the Liverpool assizes (see Liverpool Courier, January 16, 1864, Liverpool Daily Post, January 28, April 1, and August 15, 1864.) The case was removed to the court of Queen's bench, (see Times of November 24, 1864.) The defendants were found guilty, and sentenced to a fine of £50 each.

Campbell, Cunningham, and Buchanan were tried at the Liverpool assizes, (see Liverpool Daily Post, July 1 and 8, and August 11, 1864;) Cunningham was convicted, Campbell and Buchanan pleaded guilty. They were discharged on entering into recognizances for £150 to appear to receive judgment when called upon, and were warned that if the offense was repeated, the judgment would be enforced and the penalty would be a severe one.

Seymour was tried at the central criminal court in London (see Times of July 15, 1864,) and pleaded guilty. He was discharged with a similar sentence and warning.

No. 37.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *February* 16, 1865. (Received February 16.)

SIR: I am commanded by my lords commissioners of the admiralty to request that you will inform Earl Russell that, having observed that several witnesses at the recent trial, "The Queen *vs.* Rumble," asserted that the Scylla, late Victor, was towed out of Sheerness Harbor on the 24th November, 1863, by a government tug, my lords caused a court of inquiry to be held at Sheerness, and they now inclose, for Lord Russell's information, a copy of the report made to them.

Earl Russell will perceive there is not the slightest foundation for the statement that assistance was given to the Scylla by any of the government tugs, or that any persons belonging to them aided that vessel in her departure from Sheerness.

The evidence taken at the court of inquiry is sent in original, and my lords request it may be returned.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 37.]

Vice-admiral Sir C. Talbot to the secretary to the admiralty.

FORMIDABLE, *Sheerness, February* 14, 1865.

Submitted for the information of the lords commissioners of the admiralty, in reply to your letter of the 10th instant.

(Signed) CHARLES TALBOT.

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[673] *SHEERNESS YARD, *February* 14, 1865.

SIR: In obedience to your memorandum of the 13th instant, we have this day held an inquiry as to whether any of the government tugs assisted the Scylla, late Victor, on the occasion of her leaving Sheerness harbor on the night of the 24th November, 1863.

2. Having heard the evidence of Captain Hall, C. B., of the steamer Reserve, Mr. Brockman, master commanding the Wildfire tender, several officers of the dock-yard, and a number of other persons masters, and engineers, belonging to the different tugs and tenders employed at Sheerness;

3. We have the honor to report, from what has come before us, that we are perfectly satisfied that no government tug or vessel of any description belonging to Her Majesty assisted or accompanied the Scylla, late Victor, on the occasion of her leaving Sheerness Harbor on the night of the 24th November, 1863.

We have, &c.,
(Signed) JOHN FULFORD,
Captain, Her Majesty's ship Formidable.
G. A. KEANE,
Captain, Her Majesty's ship Cumberland, for Naval Barracks.
T. L. GAUSSEN,
Commander, Her Majesty's ship Formidable.

No. 38.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *February* 18, 1865.

SIR: With reference to the assertions which have been made that the steamer Scylla or Rappahannock was towed by a government tug out

of Sheerness Harbor on the 24th November, 1863, I have the honor to state to you that I have received from the lords commissioners of the admiralty a copy of a report (accompanied by a minute of proceedings) of a court of inquiry held by their lordships' orders at Sheerness to investigate the truth of those assertions, and that it results from that inquiry that the members of the court were perfectly satisfied that no government tug or vessel of any description belonging to Her Majesty assisted or accompanied the Scylla or Rappahannock on the occasion of her leaving Sheerness Harbor on the night in question.

I am, &c.,
(Signed) RUSSELL.

No. 39.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *February* 28, 1865. (Received March 1.)

SIR: I am commanded by my lords commissioners of the admiralty to transmit to you herewith, for the information of Earl Russell, copy of a letter which they have this day addressed to the captain superintendent of Her Majesty's dock-yard at Sheerness, directing him to inform Mr. William Rumble, inspector of machinery at that port, that their lordships have placed him on half-pay in consequence of his proceedings in connection with the Scylla after she had left Sheerness and had hoisted the confederate flag.

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 39.]

The secretary to the admiralty to Vice-Admiral Sir C. Talbot.

ADMIRALTY, *February* 28, 1865.

SIR: I am commanded by my lords commissioners of the admiralty to signify their direction to you to acquaint Mr. William Rumble, inspector of machinery at Sheerness, "that their lordships have maturely weighed the evidence given at the late trial in the court of Queen's bench, the defense of Mr. Rumble by his counsel, together with the remarks of the chief justice in summing up the case, and they regret that they cannot acquit him of blame.

[674]

My lords have not thought it necessary to inquire into Mr. Rumble's proceedings before the Scylla left Sheerness, since he has been acquitted by a jury of any guilty knowledge of the true character of the vessel up to that time, and they have confined themselves to a consideration of his proceedings after that event, when all disguise had been thrown off and the confederate flag had been openly hoisted on board the vessel and her name changed to the Rappahannock.

My lords consider that those proceedings were inconsistent with his duty as an officer holding the high and responsible position of inspector of machinery at Sheerness.

Without attaching too much weight to the evidence of the witnesses as to the occurrences at Calais, my lords are satisfied that there is ample proof that Mr. Rumble, after the character of the vessel had been openly declared, acted in a manner calculated to afford just grounds for the accusation that an officer employed in Her Majesty's service had aided and abetted those parties who, in violation of Her Majesty's proclamation, were concerned in fitting out a vessel of war for the service of a belligerent power.

My lords can, therefore, no longer place any confidence in Mr. Rumble, and they have directed him to be placed on half-pay.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 40.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *March* 8, 1865.

SIR: In my letter of the 18th ultimo I had the honor to inform you that a court of inquiry appointed by the lords commissioners of the admiralty to investigate the circumstances connected with the departure of the Scylla, or Rappahannock, from Sheerness, had reported that there was no foundation for the assertion which had been made that the Scylla had been towed out of the harbor of Sheerness by a vessel belonging to Her Majesty's navy; and I have now the honor to inform you further, with respect to this matter, that the lords of the admiralty have fully considered the proceedings of Mr. Rumble in regard thereto. It appeared to their lordships that as Mr. Rumble had been acquitted by a jury of any guilty knowledge of the true character of the Scylla, up to the time of her departure from Sheerness, they had only to consider his proceeding after that event in forming an opinion with respect to his conduct in the case of this vessel. And the conclusion at which their lordships have arrived, is, that Mr. Rumble, after the character of the vessel had been openly declared, acted in a manner calculated to afford just grounds for the accusation that an officer employed in Her Majesty's service had aided and abetted those parties who, in violation of Her Majesty's proclamation, were concered in fitting out the Scylla as a vessel of war.

Under these circumstances their lordships have decided to place Mr. Rumble upon half-pay, as an officer in whom they can no longer place any confidence.

I am, &c.,
(Signed) RUSSELL.

[675] *ANGLO-CHINESE FLEET.

Number.	From whom and to whom.	Date.	Subject.	Geneva edition.	Second edition.
				Page.	*Page.*
1	Foreign office to agent of Chinese government.	Sept. 10, 1862	Has he written authority from the Chinese government to purchase and equip a fleet for them?	681	777
2	Agent of Chinese government to foreign office.	Oct. 9, 1862	Holds written authority from the Chinese government.	681	777
3	Captain Osborn to Earl Russell.	Nov. 23, 1863	The Chinese government having repudiated the arrangements made respecting the fleet, it is to be sent home to England and sold.	682	778
4	Foreign office to admiralty, colonial office, and India office.	Jan. 11, 1864	Precautions should be taken to prevent the fleet falling into the hands of any belligerent power.	684	780
5	Earl Russell to Sir F. Bruce ..	Jan. 11, 1864	Transmitting copy of the above. To warn Captain Osborn.	684	780
6	Sir F. Bruce to Earl Russell ..	Nov. 19, 1863	It is arranged that the ships are to be sent to England for sale. Has interfered to prevent their remaining in Chinese hands.	684	781
7	Earl Russell to Sir F. Bruce ..	Jan. 20, 1864	Approves his proceedings as reported above.	685	781
8	Sir F. Bruce to Earl Russell ..	Nov. 19, 1863	Details respecting rejection of fleet by the Chinese, and measures taken for disbanding the force. Captain Osborn's honorable conduct.	685	782
9	Earl Russell to Sir F. Bruce ..	Feb. 15, 1864	Entirely approves of his conduct as reported above.	689	786
10	Captain Osborn to Earl Russell.	Feb. 29, 1864	Arrival in England. Suggests that the admiralty should buy the ships and stores, and deduct the amount from the indemnity due by China.	689	787
11	Foreign office to admiralty....	Mar. 3, 1864	Copy of the above for their consideration.	691	789
12	Admiralty to foreign office....	Mar. 8, 1864	Does Lord Russell concur in Captain Osborn's suggestion?	691	789
13	Foreign office to admiralty....	Mar. 10, 1864	Recommends purchase of the fleet by the admiralty if the vessels are useful.	692	789
14	Admiralty to foreign office....	Mar. 11, 1864	Will decide as to purchase when they receive report of survey of the vessels.	692	790
15	Captain Osborn to Earl Russell.	Mar. 19, 1864	Correspondence relative to four ships of the Anglo-Chinese fleet left in charge of the government of India at Bombay.	692	790
16	Admiralty to foreign office....	Mar. 29, 1864	Authorities at Bombay have prevented any of the four vessels being sold, and have taken charge of them.	695	793
17	India office to foreign office ...	Apr. 12, 1864	Will wait for a communication from the foreign office before sending instructions to Bombay.	696	794
18	Captain Osborn to Earl Russell.	Apr. 14, 1864	Arrival of three of the vessels in England. What is to be done with munitions on board?	699	797
19	.....do	Apr. 14, 1864	Awaits decision of Her Majesty's government as to pay due to officers and men of the Anglo-Chinese squadron.	700	798
20	Foreign office to India office ..	Apr. 15, 1864	The Thule may be sold at Bombay; the other vessels should be detained till further instructions are sent.	700	798
21	Foreign office to war office....	Apr. 20, 1864	Requests that orders may be given for the return to Her Majesty's stores of the munitions of war on board the Anglo-Chinese fleet.	700	799
22	Foreign office to Captain Osborn.	Apr. 20, 1864	Has requested war office to take back the munitions of war.	701	799
23	Captain Osborn to Earl Russell.	Apr. 25, 1864	Admiralty decline to purchase the vessels left at Bombay. Proposes to transfer his agency to a mercantile firm at Bombay.	701	799
24	Admiralty to foreign office....	May 6, 1864	Do not wish to purchase the three	701	800

Number.	From whom and to whom.	Date.	Subject.	Geneva edition.	Second edition.
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			vessels arrived in England. Suggest that they be placed under government charge till the objections to their sale are removed.		
25	Foreign office to admiralty....	May 12, 1864	Approves the above suggestion, but thinks that Her Majesty's government should pay expense thereby incurred.	702	800
26	India office to foreign office....	May 14, 1864	Have informed Bombay government that the Thule may be sold, but that the other vessels are to be detained.	702	801
27	Foreign office to India office ..	May 18, 1864	Concur in precautions taken respecting the sale of the Thule.	703	802
28	.....do	May 31, 1864	Her Majesty's government take the responsibility of detaining the vessels unsold until further notice.	703	802
29	Foreign office to Captain Osborn.	.....	Informing him of the above decision of Her Majesty's government.	704	803
30	Foreign office to admiralty....	May 31, 1864	Informing them of the above decision of Her Majesty's government.	704	803
31	Foreign office to Sir F. Bruce.	June 1, 1864	Informing him of the above decision of Her Majesty's government, who will take care that the Chinese government do not lose thereby.	704	803
32	India office to foreign office...	Aug. 3, 1864	What does Lord Russell wish to be done respecting the ships and stores left at Bombay?	704	804
33	.....do	Sept. 13, 1864	Captain Osborn declines any further responsibility as to sale of the vessels, but will cause the Thule to be sold if instructed to do so. What are Lord Russell's views?	706	805
34	Foreign office to India office...	Sept. 19, 1864	The Thule may be sold if the Oriental Bank Corporation will account for the proceeds to the Chinese government.	707	806
35	Mr. Wade to Earl Russell.....	Sept. 12, 1864	The Chinese government hopes that Her Majesty's government will purchase the ships, and deduct the amount from the indemnity due by China.	707	806
36	Foreign office to admiralty....	Dec. 5, 1864	What answer shall be returned to Chinese government?	709	808
37	Admiralty to foreign office....	Dec. 9, 1864	Messrs. Ritherdon and Thompson offer to buy three of the ships; admiralty disposed to accept, taking security against their improper use.	710	809
38	Foreign office to admiralty....	Dec. 13, 1864	Will Messrs. Ritherdon and Thompson give a guarantee against improper use of the vessels if sold to them?	710	809
39	Admiralty to foreign office....	Dec. 23, 1864	Terms of the guarantee to be required from Messrs. Ritherdon and Thompson.	710	810
40	Foreign office to admiralty....	Dec. 24, 1864	Approve of vessels being sold, subject to a guarantee that they will not be used against any power with whom Her Majesty is at peace.	711	811
41	Admiralty to foreign office....	Feb. 3, 1865	Proposes that the value of the ships when they left China should be paid to Chinese government, and deducted from the indemnity, and the ships then sold for the benefit of the exchequer.	711	811
42	Foreign office to admiralty....	Feb. 8, 1865	Concurs in the steps proposed above. Measures must be taken against the ships falling into the hands of the confederates.	712	811
43	Admiralty to foreign office....	Feb. 25, 1865	Value of the seven ships assessed at £152,500.	712	812
44	.....do	Feb. 27, 1865	Captain Osborn is of opinion that £152,500 will meet the claims of the Chinese government.	712	812
45	Foreign office to admiralty....	Feb. 27, 1865	Has due provision been made against vessels falling into the hands of the confederates?	713	813

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Number.	From whom and to whom.	Date.	Subject.	Geneva edition.	Second edition.
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46	Admiralty to foreign office....	Feb. 28, 1865	The vessels shall not pass out of the hands of the government without previous approval of Lord Russell. Sanction of treasury required for deducting amount fixed on as their value from the indemnity.	713	813
47	Foreign office to treasury.....	Mar. 2, 1865	Asking for their concurrence in the purchase of the vessels for £152,500, which shall be deducted from the indemnity.	714	814
48	Treasury to foreign office.....	Mar. 17, 1865	Not justified in interfering with the indemnity. Ships should be sold and a vote taken for the balance then due to the Chinese government.	714	814
49	Earl Russell to Mr. Wade.....	Mar. 28, 1865	Her Majesty's government will not interfere with the indemnity. Inform Chinese government that the ships will be sold, and the sum realized made up to the admitted value of £152,500, and transmitted to them.	715	815
50	[679] * Foreign office to admiralty.	Mar. 28, 1865	Requesting them to proceed with the sale of the ships, in accordance with above arrangement.	715	816
51	Admiralty to foreign office....	June 2, 1865	Propose to sell the vessels now without taking any guarantee as to their not being employed by a belligerent.	716	816
52	Foreign office to admiralty....	June 5, 1865	Concur in the above proposition.....	716	817
53	Admiralty to foreign office....	June 19, 1865	Have requested India office to send orders for the unrestricted sale of the ships at Bombay.	716	817
54	Mr. Wade to Earl Russell.....	Sept. 6, 1865	Chinese government gratefully accept the arrangement made.	717	817
55	Sir F. Bruce to Earl of Clarendon.	Dec. 9, 1865	Application of the Chinese government to Mr. Burlingame for a settlement of flotilla account.	718	819
56	Mr. Adams to Earl of Clarendon.	Dec. 28, 1865	Satisfaction of the United States Government at the course taken by Sir F. Bruce. The Chinese government anxious for settlement of the matter.	719	820
57	Admiralty to foreign office....	Dec. 30, 1865	Egyptian government have bought three of the ships for £30,100, which may be paid at once to the Chinese government.	720	821
58	Earl Russell to Mr. Adams....	Dec. 30, 1867	Her Majesty's government are doing their best to wind up the affair satisfactorily.	720	821
59	Treasury to foreign office.....	Feb. 25, 1867	All the ships having been sold, and a vote obtained from Parliament. Her Majesty's minister at Pekin should pay Chinese government the balance.	721	822
60	Earl Russell to Sir R. Alcock.	Feb. 26, 1867	Instructions to repay Chinese government £114,276, being the balance not yet remitted to them of the estimated value of the ships.	721	823

No. 1.

Mr. Hammond to Mr. Lay.

FOREIGN OFFICE, *September* 10, 1862.

SIR: I am directed by Earl Russell to state to you that it appears to Her Majesty's government that unless you are already provided with a written authority from the Chinese government for the steps which you are taking to provide that government with naval assistance, you should procure such authority; and I am accordingly to request that you will take steps for obtaining such authority as soon as possible, although in the mean while Her Majesty's government are prepared to act on the assurances of Mr. Bruce, and not interpose any delay in your proceedings.

I have, &c.,
(Signed) E. HAMMOND.

No. 2.

Mr. Lay to Mr. Hammond.

CHINESE GOVERNMENT AGENCY,
6 LITTLE GEORGE STREET, WESTMINSTER,
October 9, 1872. (Received October 8.)

SIR: My absence from England has prevented my receiving before yesterday your letter of the 10th September.

With reference to Earl Russell's desire that I should obtain a written authority from the Chinese government for the steps I am taking to provide it with naval assistance, I have the honor to state that I hold such written authority, dated the 15th March, 1862, from my *locum tenens*, Mr. Hart, to purchase and equip a steam fleet, in accordance with instructions from the imperial government.

I have since received regular remittances from the foreign customs for that purpose, by direction of Prince Kung.

I may add, for his lordship's information, that on the 28th June last, I received through Mr. Hart a dispatch from the Chinese foreign office relative to the proposed fleet. This dispatch prays the inspector-general of customs in earnest terms to use the utmost dispatch in procuring the vessels. It repeats the instructions issued to the governors of various provinces as to the amounts to be contributed by them towards the cost of the fleet; refers to the Emperor's anxiety that no time should be lost; and closes with a second earnest appeal to the inspector-general for these reasons "not to lose a day."

With respect to the flag for the fleet, I have written for precise authority. As soon as I receive it I will not fail to apprise Earl Russell of the fact.

I have, &c.,
(Signed) H. N. LAY.

[682] *No. 3.

Captain Osborn to Earl Russell.

SHANGHAI, *November* 23, 1863. (Received January 8, 1864.)

MY LORD: As I fear that Mr. Lay, by some accident, has failed to send you the correspondence which has taken place between us and the prince regent of China, as well as Sir Frederick Bruce, I take the liberty of inclosing a copy; for I feel that, in justice to Mr. Lay, myself, and the officers and men of the force under my command, it is only proper that your lordship should be put in possession of all the circumstances connected with the dissolution of a force organized under Her Majesty's order in council of August, 1862.

I have reported all the circumstances to the admiralty, and sent home commander Chas. S. Forbes, R. N., to give all further information.

I am proud to say that every officer and man in the force has supported me in the line of conduct I considered it necessary to carry out, and that is my best consolation under as sore a disappointment as could well befall a naval officer.

I have, &c.,
(Signed) SHERARD OSBORN.

[Inclosure 1 in No. 3.]

Captain Osborn to Sir F. Bruce.

PEKING, *October* 19, 1863.

YOUR EXCELLENCY: Prince Kung having failed to ratify the agreements entered into between inspector-general H. N. Lay, C. B., and myself, it becomes necessary for me to disband the European-Chinese naval force.

I have the honor to inclose you copies of the agreements in question, as well as all correspondence, and to request you will inform me whether you see any objection to my surrendering to Prince Kung the eight ships which I have brought out to this country. They are imperial property, and I have no right to detain them; but I would submit that there might be some danger if vessels of so formidable a character were trusted to the rowdies and pirates now so numerous in Shanghai, and who, I dare say, are quite ready to serve the provincial authorities without agreements or guarantees.

Directly I receive your excellency's official instructions upon that point, I shall, in conjunction with Mr. Lay, proceed to dissolve the force, sending the officers and men to England in detachments, and reporting all the circumstances to the lords commissioners of the admiralty, and sending them an exact description of the ships, if you decide upon not surrendering them.

I have, &c.,
(Signed) SHERARD OSBORN.

[Inclosure 2 in No. 3.]

Sir F. Bruce to Captain Osborn.

PEKING, *October* 20, 1863.

SIR: I have received your letter with its inclosures, informing me of the refusal of the Prince of Kung to ratify the agreements entered into by his agent, Mr. Lay, with yourself, and of your consequent resolution to disband the force.

I have informed his imperial highness of my conviction that Her Majesty's government would not have consented to the organization of this powerful squadron had it not been on the understanding that it was to be placed under the orders of an officer in whose prudence and high character they had full confidence, and that I will not consent to the ships and stores being handed over to the Chinese government without instructions to that effect from Her Majesty's government.

[683] *I therefore request you to take measures for keeping them in deposit until the pleasure of Her Majesty's government be known.

I have, &c.,
(Signed) FREDERICK W. A. BRUCE.

[Inclosure 3 in No. 3.]

Captain Osborn to Sir F. Bruce.

PEKING, *October* 27, 1863.

SIR: Consequent upon the receipt of your excellency's letter of the 20th instant, in which you acquaint me that you will not consent to the surrender of the ships and stores to the Emperor of China, and desire me to take measures for keeping them in deposit until the pleasure of Her Majesty's government shall be known, the following questions have arisen in my mind, upon which I solicit your early instructions:

1. If the Emperor of China should repudiate the arrangements recently sanctioned for the regular payment of this force, what steps am I to take to avoid selling the ships according to the 10th article of my agreement? As Prince Kung has already repudiated his formal instructions to Mr. Lay, I am compelled to anticipate the probability of his treating all his engagements in the same fashion.

2. Where shall I procure funds for the maintenance of the force, pending the orders of Her Majesty's government?

I have, &c.,
(Signed) SHERARD OSBORN.

[Inclosure 4 in No. 3.]

Sir F. Bruce to Captain Osborn.

PEKING, *November* 6, 1863.

SIR: As you are aware, the scheme of keeping the ships of the flotilla in deposit, awaiting instructions from Her Majesty's government, has been abandoned, and the Chinese government has requested me to send the vessels to England to be disposed of. His imperial highness expresses his thanks to yourself for the trouble to which you have been put in procuring the fleet, and in bringing it out to China, and requests you to accept 10,000 taels, in addition to your pay, for the labor entailed upon you by it. He further requests that the ships may be put under another flag. That, however, is a point which must be left to your own discretion. I have, therefore, to request that you will take charge of the vessels and men, with a view to the disposal of the former in England, or in India, as you may think best. The officers and men to be sent home and paid up to their arrival in Enland. But, as the contract may be construed to give them a claim for pay for three months after their arrival, or up to the 30th of August, it will be advisable to obtain the opinion of counsel as to the liability of the Chinese government, they having declined to accept the flotilla, on the ground of their agent having exceeded his authority in the conditions attached to the scheme. You will feel, with me, that our honor is involved in winding up this affair upon terms as little onerous as possible to the Chinese government.

I will give instructions to the consuls to contribute what may be required, out of the moneys received by them on the indemnity account, to meet such part of the expenses of sending the vessels home as the Chinese government is unable to provide for. The sum so advanced will form a lien on the ships, and to be deducted from the expenses of sale, or set off against the value of the ships and stores, should Her Majesty's government decide on taking any of them back.

I think it but just to express my entire approbation of the honorable and dignified course you have pursued during the discussion of the question at Pekin. An officer more alive to pecuniary advantages, less scrupulous as to the interests of Great Britain, and less careful of his own honor, might have admitted some unsatisfactory compromise as to his position, and might have trusted to an arbitrary exercise of the power wielded by him to have extricated himself from future embarrassments. By your firmness you have saved Great Britain from complications, and you have vindicated the honor of the British uniform in the eyes of the Chinese, by refusing to accept an unbecoming position.

However disappointing the result of your honorable wish to advance the
[684] cause of *progress in China, you have the consolation of knowing that you have gained the respect and approval of persons of every nation who are acquainted with the course you have pursued.

I have, &c.,
(Signed) FREDERICK W. A. BRUCE.

No. 4.

Mr. Hammond to the secretary to the admiralty.[1]

FOREIGN OFFICE, *January* 11, 1864.

SIR: I am directed by Earl Russell to request that you will acquaint the lords commissioners of the admiralty that it appears, from the accounts received from China, that, in consequence of some disagreement between Captain Sherard Osborn and the Chinese government, the vessels which that officer purchased and equipped as vessels of war in this country, for the service of the Emperor of China, were about to be sent, some to India and some to England, to be disposed of by sale.

These vessels are understood to be fully equipped for belligerent purposes, and Her Majesty's government are of opinion that it is incumbent upon them to take any precaution that may legally be within their power to prevent them from passing in their present state into the hands of any power or state engaged in hostility with another power or state in amity with Her Majesty.

Her Majesty's government would therefore desire that the attention of the naval, colonial, and Indian authorities, both at home and on any station abroad within Her Majesty's dominions where the vessels may be expected to be met with, should be called to the necessity of taking such measures as may be legally within their power in furtherance of the views of Her Majesty's government in this matter; and specifically as regards Captain Osborn, who is an officer in Her Majesty's naval service, that he should be pointedly cautioned against disposing of any of the vessels to be used in the naval service of a belligerent power.

I am, &c.,
(Signed) E. HAMMOND.

No. 5.

Earl Russell to Sir F. Bruce.

FOREIGN OFFICE, *January* 11, 1864.

SIR: I transmit to you herewith, for your information and guidance, a copy of a letter which I have directed to be written to the admiralty, colonial, and India offices[2] respecting the vessels which were bought and equipped by Captain Sherard Osborn for the service of the Emperor of China, and which are now to be disposed of in consequence of the disagreement which has occurred between that officer and the Chinese government.

If that officer should be still in China when this dispatch reaches you, you will make to him a communication to the effect stated in my letter to the admiralty.

I have furnished Sir H. Parkes with copies of this dispatch and its inclosure, in order that he may at once communicate with Captain Osborn, if that officer should be at Shanghai when Sir H. Parkes arrives at that port.

I am, &c.,
(Signed) RUSSELL.

[1] A similar letter was addressed to the colonial and India offices. [2] No. 4.

No. 6.

Sir F. Bruce to Earl Russell.

PEKING, *November* 19, 1863. (Received January 18, 1864.)

MY LORD: The Chinese government having, after four months' discussion, resolved definitively not to ratify the conditions to which
[685] Mr. Lay had engaged to procure the Emperor's * assent, and which Captain Osborn considered indispensable to enable him to direct the flotilla without compromising his country or his own honor, that officer placed the affair in my hands. It is finally arranged that the ships, with the officers and men, are to return to England, the Chinese government having agreed to pay all expenses and fulfill the contracts entered into with the men; and having requested me to assist them in the sale of the ships for their benefit, Captain Osborn has undertaken this duty, and intends to dispose of two of the smaller vessels to India, if possible, not wishing to risk them a second time round the Cape.

I interfered to prevent the ships being handed over to the Chinese, because they could not make use of them, and because of the danger of their being bought by the Japanese, or falling into the hands of adventurers who might have used them against the interests of commerce.

I will write at length by next opportunity, by which time the necessary documents connected with this affair will be ready for transmission. I will only add here, that Captain Osborn has merited the highest approval by the superiority he has shown to pecuniary considerations, and by his resolution not to undertake this delicate service, unless upon such conditions as would have enabled him to preserve the British name from being sullied by the perpetration of excesses in his presence, and from being dragged into proceedings which would have created embarrassment with other foreign powers. At the same time, I do not think the Chinese government open to the charge of bad faith, as the conditions they were called upon to ratify are not such as the authority given to Mr. Lay entitled him to assent to in their name.

Mr. Lay mistook his position and overrated his influence when he resolved on starting this flotilla without having previously ascertained that the terms agreed upon with Captain Osborn would be accepted.

I have, &c.,
(Signed) FREDERICK W. A. BRUCE.

No. 7.

Earl Russell to Sir F. Bruce.

FOREIGN OFFICE, *January* 20, 1864.

SIR: Her Majesty's government approve your proceedings, as reported in your dispatch of the 9th of November, with reference to the refusal of Chinese government to ratify the agreement between Mr. Lay and Captain Osborn.

I am, &c.,
(Signed) RUSSELL

No. 8.

Sir F. Bruce to Earl Russell.

[Extract.]

PEKING, *November* 19, 1863. (Received January 27, 1864.)

I have the honor to inclose copies of various documents, forwarded to me by Captain Osborn, on the refusal of the Chinese government to agree to the conditions on which alone he had consented to organize a steam flotilla for the service of the Emperor of China.

Also, of my correspondence with the Chinese government and with Captain Osborn, on the disposal of these war-vessels, and on the arrangement, ultimately agreed on, for sending them and the officers and men to England.

Thus far I had taken no part in the discussions between Mr. Lay and the Chinese government. Indeed, I studiously avoided expressing any opinion on the proposals made to them, for I felt much embarrassment as to the answer I should be compelled to give if the Chinese government put the question to me, Are we bound to ratify this agreement against our convictions? I foresaw, also, that if I were to attempt to extort their assent against their will, the question would become a political one, for the Chinese would certainly have consulted the other foreign ministers, and in spite of their wish to act with me in a friendly and large spirit, I could not expect their support in any attempt to impose this scheme upon them by menace. I therefore resolved to leave the matter to be arranged, if possible, by the Chinese themselves with
[686] their agent and * Captain Osborn, and to protract, in the interest of the scheme, the suspense in which they were held as to my opinion and intentions.

During this period I had two interviews with the foreign board. In neither did they allude to the flotilla, and I imitated their reserve. Our conversation turned on the dangers arising from the employment of foreign adventurers by the local governors, and on the impossibility of foreign officers of character being induced to serve the Chinese by land or sea, unless they held formal commissions from the central government, and unless they were secured against the caprice and jealousy of the provincial authorities. In fact, this was the line of observation most likely to induce the government to accede to Captain Osborn's terms; for if they and the provincial governors had felt convinced that they would be deprived of the foreign element which has gained for them all their late successes near Shanghai, and would have to rely on purely Chinese resources, they would have had a strong inducement to agree for the moment to the conditions proposed.

So long as governors can obtain on their own terms foreign officers and steamers officered by foreigners sufficient to repel the insurgents, it is idle to expect that the government at Peking will undertake the organization of an imperial force either on land or on the sea, and thereby relieve local governors from the responsibility of maintaining tranquillity in their provinces, which is the established principle of Chinese administration. Of their reluctance to make this change in their system, we have abundant proof in the abandonment of foreign drill at Tien-tsin, in their refusal to engage, under contract, French drill-instructors, or to accept the gratuitous services of officers whom the Russian government offered to lend them for that purpose.

It was now, however, incumbent on me to interfere directly, and the

first step I took was to inform the Chinese government that I could not consent to hand over the ships to them without instructions from Her Majesty's government. My reasons for taking this step were, that the ships were held as security by Captain Osborn for fulfillment of the terms agreed on by the men; that the latter were entitled to be sent home, and that it was not quite clear whether they were to be paid up to the time of their arrival in England or up to the 30th of August next. Moreover, these ships are not of a kind that the Chinese could manage, or that it would be safe to put in the hands of the class of foreigners who are on board the small steamers bought by the governor of Kiangsoo, (about ten in number,) and which have proved so efficient in the operations near Soo-chow. On the other hand it would not be safe to sell them on the coast, as they might fall into the hands of hostile Daimios in Japan, or be bought for employment as confederate cruisers in these seas. The inclosed copy of a dispatch from the minister of the United States will show that he was alive to this danger; and I may add that M. Berthemy was equally of opinion that the flotilla should not be given up, as there was no means of guaranteeing to what purposes the ships might be turned. It struck me also that if the Chinese found that they could not have the ships without ratifying the agreements, they might perhaps be induced to reconsider their decision; and in order to throw away no chance of inducing them to accept the flotilla, and to put myself in as good a position as possible to deal with the pecuniary difficulties that would ensue from its rejection, I took advantage of the prince's reluctance to face an unpleasant discussion, and declined the interview proposed by Wensiang unless the prince were present.

Having sent me the inclosed dispatch, they sought an interview with the minister of the United States, Mr. Burlingame, upon whose friendly desire to arrange matters satisfactorily I could thoroughly rely. Before entering into the subject, he required them to state distinctly whether they had definitively resolved not to ratify the agreements entered into with Captain Osborn. They replied in the affirmative, adding that it was impossible for them, in the face of opinion in China, to take the direction of the flotilla out of the hands of the local authorities, or to ratify conditions which, to use their own phrase, would deliver them over, bound hand and foot, to Mr. Lay.

Mr. Burlingame, in three protracted interviews, argued the question at great length, in order to ascertain whether any feasible scheme could be hit upon which would meet their objections and enable the flotilla to act; but finding that the points on which they differed with Captain Osborn were such as to render a compromise impracticable, Mr. Burlingame advised them to state their reasons fully for not ratifying the agreement, to thank Her Majesty's government and Captain Osborn for what had been done on their behalf, and to request me to have the vessels returned to England under Captain Osborn, to be there sold, the proceeds, after discharging all liabilities, to be remitted to the Chinese government. This advice was followed to the letter, as your lordship will see by the inclosed dispatch; and the Chinese, [687] of their own accord, and *without a suggestion from any one, added that they wished Captain Osborn to accept 10,000 taels (£3,300) in consideration of the labor entailed upon him by this flotilla. To this letter I returned the reply, of which copy is inclosed.

I think the arrangement proposed, in consequence of which the vessels are to leave China at once, is more advantageous to all parties than the one I originally suggested, for expense is thereby avoided, and the danger obviated of keeping a large number of men on the coast in a

state of idleness, and subject to no sufficient authority, during the period that must have elapsed before instructions from England could have been received. Captain Osborn takes two vessels to India, in the hope of disposing of them there, and the rest will sail for England as soon as the necessary arrangements can be made.

I cannot express too strongly my sense of the friendly and valuable assistance rendered by Mr. Burlingame in bringing about an arrangement which provided satisfactorily for all the interests concerned, and in such a manner as not to compromise those friendly relations which I am so anxious to maintain with this government; and I think this incident illustrates the importance of adhering, in China, strictly to a just and fair line of policy. The belief that I, as British minister, would respect the rights of the Chinese, and that I would not force the flotilla upon them from selfish political considerations, induced my colleagues to abstain from interfering while the question was under discussion, and thereby secured for the flotilla a deliberate and unfettered consideration on the part of the Chinese government; and I am certain that this course was more favorable to the success of the scheme, had success been possible, than any other that could have been adopted. It appeared to me also that I should not have been justified in taking a more active part, for I had reason to believe that your lordship had no cognizance of the undertaking of so novel a character entered into by Mr. Lay with Captain Osborn; and the absence of instructions was to me a significant proof that Her Majesty's government had no intention of being a party to, or responsible for, the arrangements under which the operations of the flotilla were to be conducted. Had the Chinese voluntarily accepted the squadron, the onus of the difficulties it would have encountered would have rested on the Chinese government; but the burden would have been thrown on Her Majesty's government by the Chinese, and with justice, had it appeared that this flotilla, exclusively British in its character, directed by British officers and agents, and imposed by British pressure, was acting under a Chinese flag, which the Chinese government, contrary to its wishes, had been compelled to hoist on board the ships.

Moreover, the Chinese government has latterly shown its inability or indisposition to carry out the various suggestions I made for strengthening the central power, of which the flotilla is only one, and it was evident that there was no disposition on the part of the Chinese to incorporate it into their system, so as to subserve the general purposes of police and revenue; but that, if forced to accept it, they would have directed it against Nanking, and would then have left it to be disorganized by the ill-will and intrigues of the provincial authorities. Putting aside the consideration that Her Majesty's government would not have assisted in the formation of the force had this been the only object contemplated, I must observe that such a course would have been full of danger to our trade.

In fact, this flotilla ought to have been designed to carry out the revenue laws and to assist in suppressing piracy. Less formidable and expensive vessels would have been sufficient for these purposes, and they would have been at the same time, though in a subordinate degree, of much use in assisting military operations. Whereas a purely war squadron was provided, with officers who looked to *actions d'éclat* and not to the disagreeable and prosaic task of stopping smugglers and robber-junks. And further, if it was considered necessary that the flotilla should be taken out of the hands of the government who paid for it, and the exclusive control over its operations vested in its foreign

commander and the foreign agent employed in procuring it, these conditions, of so singular a nature, ought to have been submitted and agreed to before the vessels were allowed to sail for China.

I owe it to Captain Osborn to state that he has shown great sagacity in appreciating the situation, and the most honorable spirit in the course he has pursued. In spite of the great pecuniary advantages secured to him he would not consent to any compromise which might hereafter place him in a false position or involve his country in embarrassment.

I have only to request your lordship's indulgent consideration amid so many difficulties, and to beg that Her Majesty's government will enable me to redeem my pledge to the Chinese government, and that [688] every assistance may be given in the *disposal of the ships and their armament, in order that the loss entailed upon them may be as light as possible.

[Inclosure 1 in No. 8.]

Sir F. Bruce to Prince of Kung.

PEKING, *October* 20, 1863.

SIR: I am informed by Captain Osborn that, in consequence of the refusal of your imperial highness to ratify the agreements entered into by your agent, Mr. Lay, with that officer, he is about to disband the force engaged in England for the service of the Emperor of China.

As Her Majesty's government took an active part in promoting the equipment of the vessels composing it, and certainly would not have consented to the organization of the squadron had it not felt satisfied as to the prudence and high character of the officer under whose command it was to be placed, it is my duty to report what has taken place to Her Majesty's government, and to request instructions as to the disposal of the ships and stores. I have informed Captain Osborn, therefore, that they are to be detained until those instructions are received.

I have, &c.,
(Signed) F. W. A. BRUCE.

[Inclosure 2 in No. 8.]

Sir F. Bruce to the Prince of Kung.

PEKING, *November* 6, 1863.

SIR: I have the honor to acknowledge the receipt of your imperial highness's dispatches of 25th October and 2d November, inclosing papers connected with the steam flotilla, and stating the reasons which have weighed with your imperial highness in declining to ratify the proposed agreements.

Your imperial highness will have observed that I have maintained the strictest reserve while this question was under discussion. It was for China and China alone to decide for herself on a matter so intimately connected with her internal administration, and I should have acted contrary to the spirit in which I am instructed to conduct the relations of Great Britain with China, had I endeavored to press its acceptance against the convictions of your imperial highness, after the long and full discussion the subject has undergone. The British government, in the belief that this scheme had met with your imperial highness's approval, had placed ships, officers, and men at your disposal; but it certainly did not intend to force them on your acceptance, in the event of your deciding that the conditions on which alone this force could act were such as you could not agree to. I shall not, therefore, discuss the arguments advanced in your imperial highness's dispatch, on which it is not my province to pronounce any opinion, and I shall confine myself to expressing my sincere regret that the details of this scheme were not communicated to your imperial highness before the expedition left England, as much expense and embarrassment would have been thereby avoided.

My duty in this matter is to assist your imperial highness, as far as possible, in finding a way out of these difficulties, and I have much pleasure in acknowledging the just and liberal spirit in which your imperial highness is disposed to treat the claims

of the officers and men engaged to serve in these vessels. A question may arise on the contracts entered into with these men as to the date up to which they are entitled to be paid, namely, whether up to the 30th August of next year or only up to the time of their arrival in England. This question I have no power to decide; but as I am anxious that the Chinese government should be put to no unnecessary expense, I have instructed Captain Osborn that he is to take the opinion of a competent legal authority on the point, and to be guided by it. He is also to dispose of the vessels on the most advantageous terms, and remit the balance, after payment of expenses, to the Chinese government. I can assure your imperial highness that you may have full confidence in him, and that after the handsome manner in which he has been treated by your imperial highness, no effort on his part will be wanting to justify it.

As there may be some difficulty in providing the funds necessary for the winding up of this affair, I will instruct the consuls to advance what may be required out
[689] of *the forthcoming payments on account of the indemnity, the sum thus advanced to form a lien on the ships, and to be repaid out of the proceeds of the sale. I feel assured that Her Majesty's government will appreciate the considerate spirit in which your imperial highness has acted, and will willingly assist Captain Osborn in carrying out his instructions.

[Inclosure 3 in No. 8.]

Sir F. Bruce to Captain Osborn, November 6, 1863.

[See Inclosure 4 in No. 3.]

[Inclosure 4 in No. 8.]

Mr Burlingame to Sir F. Bruce.

PEKING, *November* 7, 1863.

SIR: When the Chinese government refused the doings of its agent, Mr. Lay, and there was nothing left for Captain Osborn but to dissolve the force of the flotilla, the question was, how it could be done with safety. I feared that the ships might fall into the hands of the confederates, who are supposed to have agents in China, and then there was the common apprehension from lawless men on the coast in the interest of the Taepings, as well as from pirates, and the desire of the Daimios in Japan to procure steamers at any price.

It was clear that the Chinese could do nothing of themselves with the steamers, and that unless something were done by you, they would certainly fall a prey to one of these several dangers. In my solicitude, on account of the rebels in my own country, I made an earnest protest against the delivery of the ships to the Chinese. You responded, in that spirit of comity which has ever distinguished our relations, that the ships should be taken back to England, and that no effort on your part should be spared to prevent them from taking a direction against the interests of my country.

Though subsequent events made it necessary for the ships to take the direction indicated by the desire of the Chinese themselves, still I should be wanting in appreciation of your conduct did I not mark it with my most heart-felt thanks, and at as early a period as possible bring it to the attention of my Government.

I have, &c.,
(Signed) A. BURLINGAME.

No. 9.

Earl Russell to Sir F. Bruce.

FOREIGN OFFICE, *February* 15, 1864.

SIR: I have received your dispatch of November 19, inclosing copies of correspondence connected with the refusal of the Chinese government to confirm the arrangements made by Mr. Lay in regard to the vessels to be employed in their service under the command of Captain

Sherard Osborn, and reporting the course you had yourself pursued with reference to this matter; and I have to acquaint you that Her Majesty's government entirely approve of your conduct in this respect.

I have, &c.,
(Signed) RUSSELL.

No. 10.

Captain Osborn to Earl Russell.

ERITH, *Kent*, *February* 29, 1864. (Received March 1.)

MY LORD: I have the honor to report my arrival in England, in the execution of the instructions of Her Britannic Majesty's minister
[690] in China, (dated November 6th, 1863,) *a copy of which I forwarded to your lordship in my letter from Shanghai of November 23d, 1863.

In these instructions Sir Frederick Bruce says: "I have, therefore, to request that you will take charge of the vessels and men, with a view to the disposal of the former in England or India, as you think best. The officers and men to be sent home, and to be paid up to their arrival in England."

Instead, therefore, of disbanding the force upon the spot, paying the officers and men a gratuity of three months' pay, and sending the men home as passengers, according to the terms of their agreement with the Chinese government, I was compelled to take the following measures:

I dispatched to England the four vessels named in the margin,[1] with the major portion of the force, consisting of 338 souls, as well as all the reserve munitions of war.

I directed the naval stores, disembarked at Shanghai, to be offered for the use of Her Britannic Majesty's forces in China, and what they did not require was to be sold and accounted for to me. I carried the remaining vessels (*vide* margin)[2] to Bombay, and dispatched the crews, consisting of 120 souls, as passengers to England. At Bombay I was advised not to risk a breach of the law by selling ships of war, as agents of the American belligerents were known to be there ready to bid for my vessels, and his excellency the governor relieved me to some extent from the difficulty by allowing the vessels to land all their guns and arms in the royal arsenal, but he could not assume the responsibility of the charge of the vessels until he had been instructed to do so by higher authorities. I had, therefore, to leave three officers and a dozen men in charge, and hasten to England for instructions.

In the first place, I have to request that you will be pleased to inform me whether your lordship wishes me to carry out Sir Frederick Bruce's instructions, for, of course, from the time of my arrival in England, I no longer consider myself in the service of the Emperor of China, and I should have declined the onerous and disagreeable task imposed upon me, had any one except the British ambassador to China called upon me to execute it.

Should your lordship be of opinion that I ought to continue to dispose of the ships and their crews, &c., I would submit that as all the vessels are decidedly efficient ships of war, and it would be unwise, if not illegal, to sell them to private parties, that I should put myself in communication with the lords commissioners of the admiralty, so as to arrange a transfer to that department.

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[1] Peking, 6 guns; China, 6 guns; Tien-tsin, 6 guns; Ballarat, store-ship.
[2] Keang-soo, 6 guns; Kwang-tung, 4 guns; Amoy, 2 guns; Thule, yacht.

Should the admiralty approve, and be willing to receive the vessels, I would submit that the simplest mode of transfer, so as not to interfere with the estimates for the current year, would be to write off the value of the ships against the indemnity due to Great Britain on account of the last war.

The munitions of war sold to the Chinese government, and bearing the British government marks, cannot, I presume, be resold with the risk of their figuring in America or Denmark, and in that case I would beg to receive receipt for them as they are returned into the arsenal at Woolwich, and that the value of the said munitions of war may be likewise set off against the indemnity.

Touching the legal opinion which Sir Frederick Bruce desires me to procure, as to the pecuniary claims of the crews upon the terms of their agreement with the agent of the Chinese government, I have to request that I may be authorized to consult Her Majesty's attorney-general, so as to avoid mixing up political opinions (as some lawyers appear to me inclined to do) with mere questions of justice to a body of officers and men who merit my best efforts on their behalf.

The anticipated arrival in March of several vessels of the force, the expense now incurred in the detention of the officers and men at Bombay, as well as my anxiety to hasten an audit of the accounts connected with the force, and to be relieved to some extent of the great responsibility thrust upon me, will, I trust, plead as my best excuse in begging your lordship to favor me with an early reply.

I have finally to inclose a memorandum showing the approximate value of the vessels, and of the munitions of war, and

I have, &c.,
(Signed) SHERARD OSBORN.

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[691] *[Inclosure in No. 10.]

Approximate value of vessels of war belonging to the late European-Chinese naval force.

			Tons.	£	s.	d.
Keang-soo	Paddle-wheel	Wood	1,015	45,500	0	0
Kwang-tung	Ditto	Iron	523	20,000	0	0
Amoy	Screw	Wood	301	9,000	0	0
Peking	Ditto (late Mohawk)	Ditto	679	23,000	0	0
China	Ditto (late Africa)	Ditto	669	32,000	0	0
Tien-tsin	Ditto	Iron	445	15,000	0	0
				144,500	0	0

Value of ordnance, &c., as supplied by British government:	£	s.	d.			
To Keang-soo	3,478	8	5			
To Kwang-tung	2,250	14	4			
To Amoy	1,657	8	10			
To Peking	3,449	17	9			
To China	3,437	5	8			
To Tien-tsin	1,788	12	8			
Additional stores	1,954	11	4			
Ditto	2,924	15	6			
	20,941	14	6			
Less stores returned	16	5	11			
				20,925	8	7
Total				165,425	8	7

(Signed) SHERARD OSBORN, *Captain.*

No. 11.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *March* 3, 1864.

SIR: I am directed by Earl Russell to transmit to you, to be laid before the lords commissioners of the admiralty for their consideration, a copy of a letter from Captain Sherard Osborn,[1] suggesting that the vessels which formed the late Anglo-Chinese fleet, under his command, should be transferred to Her Majesty's government. I am to add that Earl Russell is in communication with the attorney and solicitor general with regard to the pecuniary claims of the crews of those vessels.

I am, &c.,
(Signed) E. HAMMOND.

No. 12.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *March* 8, 1864. (Received March 9.)

SIR: With reference to your letter of the 3d instant, transmitting a copy of a letter from Captain Sherard Osborn, suggesting that the vessels which formed the (late) Anglo-Chinese fleet under his command, should be transferred to Her Majesty's government, I am commanded by my lords commissioners of the admiralty to request that you will state to Earl Russell that they perceive that both in China and in India Captain Osborn was advised that it would be contrary to the policy of this country that these vessels should be sold at any ports of those countries, and he has accordingly taken the steps detailed in this letter of the 29th ultimo.

My lords would therefore be glad to know whether Lord Russell concurs in the views of Sir F. Bruce and the governor of Bombay; and whether he considers that the vessels should be purchased by this department, if they should be considered useful to Her Majesty's service. If his lordship should be of this opinion, my lords will give the necessary orders for ascertaining the fitness of the vessels for Her Majesty's
[692] service; *and they request that Captain Osborn be desired to place himself in communication with the controller of the navy on the subject.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 13.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *March* 10, 1864.

SIR: I have laid before Earl Russell your letter of the 9th instant, inquiring whether his lordship concurs with Sir F. Bruce and the government of Bombay in thinking that it would be desirable that these

[1] No. 10.

vessels, comprising the late Anglo-Chinese fleet, should be purchased by the admiralty, and I am to request that you will inform the lords commissioners of the admiralty, in reply, that Lord Russell is of that opinion, provided the vessels are all considered useful for Her Majesty's service.

I am, &c.,
(Signed) E. HAMMOND.

No. 14.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *March* 11, 1864. (Received March 12.)

SIR: With reference to your letter of the 10th instant, I am commanded by my lords commissioners of the admiralty to request that you will state to the secretary of state for foreign affairs that, so soon as the result of the survey of the Anglo-Chinese fleet is received, their lordships will be prepared to state the course they will pursue with regard to the purchase or not of the vessels.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 15.

Captain Osborn to Earl Russell.

ERITH, *Kent, March* 19, 1864. (Received March 19.)

MY LORD: With reference to my letter of the 29th February last, I have the honor to inclose copies of all letters which have passed between me and the Bombay government relative to the charge of the ships, part of the late Chinese fleet now at Bombay, and to acquaint you that by the last mail I was informed that the government of India have consented to take charge of these vessels until the pleasure of Her Majesty's government is known.

I have, &c.,
(Signed) SHERARD OSBORN.

[Inclosure 1 in No. 15.]

Captain Osborn to Lieutenant-Colonel Marriott.

KEANG-SOO, *at Bombay, Januury* 14, 1864.

YOUR EXCELLENCY: I have the honor to inclose for your information, a copy of a letter from Her Majesty's minister in Peking, containing the instructions under which I have brought the four vessels named in the margin[1] to this presidency. I find on my arrival here that it would be illegal to sell ships of war constructed in Great Britain, and still more so to dispose of guns, powder, and munitions of war, which I purchased from Her Majesty's ordnance department, for the especial use of the Emperor of China.

Under these circumstances I have to request that you will be graciously pleased [693] to *authorize me to land the guns, powder, and munitions of war, in the arsenal, receiving the receipts for the same; and that I may be allowed to hand over the charge of the vessels and stores to the dock-yard authorities, whilst I proceed to England and ascertain the final decision of Her Majesty's government.

I have, &c.,
(Signe) SHERARD OSBORN.

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[1]Keang-soo, Kwang-tung, Amoy, Thule.

[Inclosure 2 in No. 15.]

Lieutenant-Colonel Marriott to Captain Osborn.

BOMBAY CASTLE, *January* 16, 1864.

SIR: I am desired to acknowledge the receipt of your letter of the 14th instant, and to state, in reply, that his excellency in council assents to your landing all warlike stores of a non-perishable character in the arsenal or dock-yard, and to your making every preparation to make over the vessels to the care of the superintendent of marine, provided the government of India, to whom a copy of your letter and this reply will be immediately sent, make no objection.

2. Copies of your letter, and of this reply, will also be sent to the superintendent of marine and to the inspector-general of ordnance.

I have, &c.,
(Signed) W. F. MARRIOTT.

P. S.—The governor in council directs me to request that you will have the goodness to state what price has been put upon the vessels.

W. F. M.

[Inclosure 3 in No. 15.]

Captain Osborn to Lieutenant-Colonel Marriott.

KEANG-SOO, *at Bombay, January* 23, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 16th instant, and with reference to the query contained in the postscript, I beg to inclose the following memorandum, for the information of his excellency the governor in council; at the same time I hardly think it would be right for me to conclude my sale or transfer of the vessels without reference to the admiralty or the secretary of state for foreign affairs.

I have, &c.,
(Signed) SHERARD OSBORN.

*[Inclosure 4 in No 15.]

[694] *Memorandum respecting steamers of the European-Chinese force now at Bombay.*

Name.	Tonnage.	Wood or iron.	Paddle or screw.	Horse-power.	Maker of engines.	Full speed on measured mile.	Half speed on measured mile.	Stowage of coal.	Number of days.	Number of days.	Length of ship.	Width of ship.	Armament.	Original cost price.	Remarks.
						Knots.	*Knots.*	*Tons.*	*F. P.*	*H. P.*	*Feet.*	*Feet.*			
Keang-soo, (dispatch gun-boat.)	1,015	Wood .	Paddle.	300	M. Day & Co., Southampton.	16½	10½	270	7	12	251	29	Two heavy pivot-guns, and four broadside guns; crew, 120 men.	£45,500, without the armament.	Built by John White, of Cowes, in June, 1863; a diagonally built vessel, can carry 400 men on deck.
Kwang-tung, (gun-boat.)	523	Iron ..	Paddle.	150	Laird Brothers, Birkenhead.	.....	.....	.....	.....	.....	184	26	Two heavy pivot-guns, and four broadside guns; crew, 100 men.	£20,000, without the armament.	Built by Laird Brothers, of iron, with engine-room shell-proof, with a rainbow.
Amoy, (formerly Her Majesty's gun-boat Jasper.)	301	Wood .	Screw .	80 (condensing.)	Maudsley & Co.	8	6	45	9½	14	161	23	Two heavy pivot-guns and two howitzers.	£9,000, without the armament.	Purchased from the Admiralty for £8,000, but afterward fitted with condensers and re-coppered.

The Keang-soo is admirably adapted for a swift dispatch-boat for political or warlike purposes.

The Kwang-tung would make a very formidable gun-vessel for the harbor defense of such a port as Bombay. Her masts and yards should be removed.

The Amoy is an efficient gun-boat; is very strong, with a good pair of engines; she would do well for a tug, coasting-vessel, or to embark or disembark troops at Bombay or Kurrachee, &c.

Directly the present defects of these vessels have been made good, a careful survey will be held by competent officers, and the report sent to the governor in council, in order that an estimate may be formed of the deduction to be made from original cost for depreciation of vessels and engines.

(Signed) SHERARD OSBORN.

[695] *[Inclosure 5 in No. 15.]

Lieutenant-Colonel Marriott to Captain Osborn.

[Telegraphic.]

BOMBAY CASTLE, *January* 2, 1864.

Reply to your dispatch of yesterday, dated 16th instant. Provide arrangement for deposit of Captain Osborn's stores and ships at Bombay; entail no ultimate expense on the India government; it is left to the government of Bombay to decide what facilities may be allowed to him in the matter.

Resolution—Copy of this to be sent for the information of the superintendent of marine and of the senior officer with the Anglo-Chinese squadron.

No. 16.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *March* 29, 1864. (Received March 30.)

SIR: I am commanded by my lords commissioners of the admiralty to send you herewith, for the information of Earl Russell, a copy of a letter from Commodore Montresor, dated the 26th of February, respecting the disposal of the vessels forming a part of the late Anglo-Chinese squadron at Bombay.

I am, &c.,
(Signed) W. G. ROMAINE.

P. S.—My lords have approved of the proceedings of Commodore Montresor.

[Inclosure in No. 16.]

Commodore Montresor to the secretary to the admiralty.

SEVERN, *at Bombay, February* 26, 1864.

SIR: In reference to your letter of the 11th of January, 1864, containing their lordships' instructions relative to the disposal of the vessels forming the late Anglo-Chinese squadron, and the steps to be taken regarding them by the government of Bombay, "that every precaution should be taken that may legally be within their power to prevent these ships, which are understood to be fully equipped for belligerent purposes, from passing, in their present state, into the hands of any power or state engaged in hostility with another power or state in amity with Her Majesty," I have the honor to acquaint you that, on the arrival of Captain Osborn at this port, in anticipation of their lordships' commands, I pointed out to him the inconvenience which might occur to government by the sale of any of his vessels, which, I also told him, I considered, under circumstances, might be deemed illegal, in which he fully concurred; but, as he seemed to consider that one of these vessels, from her being unarmed, and merely fitted as a dispatch-boat, did not come within the category, in conjunction with his excellency the governor, I strenuously advised him not to part with this vessel either until the decision of the admiralty should have been declared thereon.

3. I pointed out to Captain Osborn that, though not *bona fide* an armed vessel, she had hoisted a pennant, and been bought and equipped for belligerent purposes, and that this plea would certainly be adduced by the government of any state opposed to the one in whose hands she might fall; that her being sold to agents of any government at feud with any other might cause considerable embarrassment and inconvenience to Her Majesty's government.

4. In this advice his excellency the governor fully concurred, and (for I have consulted his excellency on the subject) we were both impressed with the idea that Captain Osborn had given up the intention of selling her, and that, on her arrival, she was to be made over, together with the other three vessels, to the care of the Bombay government.

5. I should have written to acquaint their lordships with my having done so, but as Captain Osborn was to go home by the first packet, I thought it due to him to allow him to make his own report.

[696] *6. His excellency in council having requested me to give my opinion as to whether any of these vessels would be efficient for the exigencies of the Bombay government, I reported that, in my opinion, two of them, the dispatch-boat and the ram, were exceedingly well adapted for that purpose.

7. On the evening of the 16th of this month I was informed that an advertisement had appeared in a Bombay paper stating that the Thule was for sale by private contract. I at once informed the governor of this, and I was requested by his excellency to call on him the next day, which I did.

8. I found the general-commander-in-chief at government-house; the government had had no instructions on the subject either from home or from the supreme government at Calcttta, but on my showing them the orders I had received, and consulting together on the subject, they were of opinion that the sale should be peremptorily forbid, and an order was issued to that effect.

9. On the 22d I found the notification of the intended sale was still in the paper, and I again waited on his excellency to inform him of this fact, which he said he should take immediate notice of.

10. On the 24th, finding the vessel still advertised for sale, I went to Mr. Cruickshank, the officer in charge, and begged he would inform me whether he intended to proceed in this matter; he said that he had had notice some days before from government prohibiting the sale, and that he had written to know upon what principle he was prevented from acting up to the orders he had received from Captain Osborn, and had that day received an answer to say his excellency the governor saw no reason to change his decision, in consequence of which he should now withdraw the advertisement, but that, as he considered he was strictly within the limits of the law in obeying the written commands of Captain Osborn, for her sale, which orders he showed me, he should protest against the prohibitory mandate of the government.

11. He further informed me that his excellency having courteously offered to take charge of all four vessels, he had accepted the offer, and should proceed to England by the next mail.

12. The four vessels of the late Anglo-Chinese navy are now moored in the harbor, under charge of the Bombay government, their arms and ammunition having been landed, *pro tem.*, in the dock-yard.

I have, &c.,
(Signed) F. B. MONTRESOR.

No. 17.

Mr. Merivale to Mr. Hammond.

INDIA OFFICE, *April* 12, 1864. (Received April 12.)

SIR: I am directed to acknowledge the receipt of your letter of the 4th instant, inclosing a communication from the secretary to the admiralty, respecting the disposal of the vessels of the Anglo-Chinese navy now at Bombay, and stating that Lord Russell wishes to be informed what orders Sir Charles Wood proposes to issue to the Government of Bombay on the subject.

In reply, I am desired to state that, in the opinion of Sir Charles Wood, it is, in this instance, as has been the case in all former similar instances, for the secretary of state for foreign affairs to communicate to the secretary of state for India the nature of the instructions which it is the desire of Her Majesty's government to forward through this department to the government of Bombay.

Sir Charles Wood desires me to inclose, for the consideration of Lord Russell, the accompanying correspondence on the same subject, which has been received from that government, and he will wait for a communication from the foreign office of the views of Her Majesty's government, before sending any instructions to Bombay.

I am, &c.,
(Signed) HERMAN MERIVALE.

[697] *[Inclosure 1 in No. 17.]

The governor of Bombay in council to Sir C. Wood.

BOMBAY CASTLE, *March* 12, 1864.

RIGHT HONORABLE SIR: We have the honor to submit the accompanying correspondence regarding the Anglo-Chinese squadron, under the command of Captain Sherard Osborn, R. N.

In further explanation of the steps taken by us to prevent the sale of the Thule, we beg to add that we have good reason to believe that Captain S. Osborn was followed to Singapore and Bombay by commissions to agents to both the American belligerents, with a view to purchasing any or all of the vessels of the squadron.

2. We were not aware till after Captain Osborn had left Bombay that he had only handed over three out of the four vessels of his squadron to the superintendent of marine.

3. Nor are we aware why he excepted the Thule. It is true she is at present armed and equipped only as a yacht, but we are assured she is capable of being easily armed and converted into a vessel which might inflict great injury on the mercantile marine of a hostile power, and the same reasons which induced Captain Osborn to refrain from parting with the other vessels of his squadron to agents of the American belligerents would, in our opinion, apply, though perhaps less strongly, to the Thule.

4. We solicit early instructions from Her Majesty's government on this subject.

We have, &c.,
(Signed) H. B. E. VÈRE.
W. B. MANSFIELD.
W. E. FRERE.
J. D. INVERARITY.

[Inclosure 2 in No. 17.]

Captain Osborn to Sir H. Frere, January 14, 1864.

[See inclosure 1 in No. 15.]

[Inclosure 3 in No. 17.]

Mr. Bruce to Captain Osborn, November 6, 1863.

[See inclosure 4 in No. 3.]

[Inclosure 4 in No. 17.]

Lieutenant-Colonel Marriot to Captain Osborn, January 16, 1864.

[See inclosure 2 in No. 15.]

[Inclosure 5 in No. 17.]

Lieutenant-Colonel Marriot to the secretary to the government of India.

BOMBAY CASTLE, *February* 23, 1864.

SIR: With reference to my telegram of this date, I am desired to submit the accompanying letters as per margin,[1] and to request immediate orders thereon by the government of India.

I have, &c.,
(Signed) W. F MARRIOTT.

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[1] Inclosures 1 and 2 in No. 15.

[698] *[Inclosure 6 in No. 17.]

Captain Osborn to Lieutenant-Colonel Marriott, January 23, 1864.

[See inclosure 3 in No. 15.]

[Inclosure 7 in No. 17.]

Memorandum respecting steamers of European-Chinese force now at Bombay.

[See inclosure 4 in No. 15.]

[Inclosure 8 in No. 17.]

Mr. Wyllie to Lieutenant-Colonel Marriott.

FORT WILLIAM, *January* 26, 1864.

SIR: Your letter dated the 16th instant having, with its inclosures, been submitted for the orders of the right honorable the governor-general in council, I am desired to intimate that provided the arrangements made for the temporary deposit of Captain Osborn's warlike stores and vessels at Bombay entail no ultimate expense on the Indian government, his excellency in council willingly leaves it to the government of Bombay to decide what facilities may be allowed to Captain Osborn in the matter.

I have, &c.,
(Signed) J. W. S. WYLLIE,
Under Secretary to the Government of India.

[Inclosure 9 in No. 17.]

Lieutenant-Colonel Marriott to Captain Young.

BOMBAY CASTLE, *February* 17, 1864.

SIR: His excellency in council having seen in the newspapers an advertisement for the sale of the Thule, I am desired to state that her sale cannot be permitted, pending instructions from the English government; and his excellency in council will be much obliged by your intimating this to Captain Cruikshank, and by your obtaining satisfactory assurance from him that no proposal for her purchase will be entertained without reference to the government.

The government is willing to take charge of the Thule, as of the other vessels of the Anglo-Chinese squadron.

I have, &c.,
(Signed) W. F. MARRIOTT.

[Inclosure 10 in No. 17.]

Telegram from the secretary to the government of India, foreign department, dated February 16, 1864.

Her Majesty's government has directed that every precaution that may legally be within the power of the Bombay government be taken to prevent the vessels of Captain Sherard Osborn's squadron, understood to be fully equipped for belligerent purposes, from passing in their present state into the hands of any power or state engaged in hostility with another power or state in amity with Her Majesty. The governor-general directs that careful attention be paid to these instructions.

[699] *[Inclosure 11 in No. 17.]

Captain Young to Lieutenant-Colonel Marriott.

SUPERINTENDENT'S OFFICE,
Bombay, February 14, 1864.

SIR: I have the honor to forward the accompanying letter of this day's date to my address from Commander Cruikshank, in reply to mine communicating to that officer the sentiments of his excellency in council contained in your letter dated 17th instant.

I have, &c.,
(Signed) J. YOUNG,
Superintendent of Marine.

[Inclosure 12 in No. 17.]

Commander Cruikshank to Captain Young.

KEANG-SOO, *Bombay Harbor, February* 18, 1864.

SIR: In acknowledging the receipt of your letter, No. 296, of 1864, I have the honor to request that his excellency the governor will be graciously pleased to state on what grounds he placed his veto on my disposing of the steamer Thule, in compliance with my written instructions from Captain Sherard Osborn, R. N., to that effect, and whose name is on the register of that vessel as sole owner. I may add, for his excellency's information, that the Thule is a yacht, and not a vessel of war.

I have, &c.,
(Signed) DONALD CRUIKSHANK.

[Inclosure 13 in No. 17.]

Lieutenant-Colonel Marriott to Captain Young.

BOMBAY CASTLE, *February* 24, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of 18th February, and, in reply to Captain Cruikshank's request to be informed of the grounds on which his excellency in council thinks it right to prevent the sale of the Thule, I am desired to say that it is not shown that Captain Osborn is the owner of the vessel in any other sense than that in which he owns the other vessels of the squadron, or that he has any private interest in her. Therefore, the mere fact of her not being equipped as a vessel of war, although capable of being so equipped, is not sufficient reason for this government to regard her differently from the other vessels of the squadron; and the same reasons which are recognized by Captain Osborn himself as a bar to the sale of the armed vessels, apply, in his excellency's judgment, to the sale of the Thule, pending instructions from Her Majesty's government.

I have, &c.,
(Signed) W. F. MARRIOTT.

No. 18.

Captain Osborn to Earl Russell.

ERITH, *Kent, April* 14, 1864. (Received April 15.)

MY LORD: In my letter of the 29th February last I reminded your lordship that the armament of the vessels of the Anglo-Chinese force was almost entirely purchased from the royal arsenal. Three of those vessels have arrived, as reported by me to-day.

The war-office and royal arsenal require instructions as to the disposal of the munitions of war on board these vessels.

May I, therefore, respectfully request your lordships to cause the necessary orders to be given, the vessels having been admitted by the

lords commissioners of the admiralty into Woolwich dock-yard, and the small-arms are now deteriorating from want of being deposited in store.

I have, &c.,
(Signed) SHERARD OSBORN.

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[700] *No. 19.

Captain Osborn to Earl Russell.

ERITH, *April* 14, 1864. (Received April 15.)

MY LORD: I have the honor to inform you of the arrival in England of the three ships named in the margin,[1] part of the late Anglo-Chinese squadron, and to acquaint you that, as the decision of the law-officers of the Crown relative to the amount of pay due to the officers and men of that force has not yet reached me, I have been compelled to take the following steps, which are, I believe, in accordance with the orders of Sir Fred'k Bruce, under which I am acting.

The ships have been secured in Woolwich basin by the kind permission of the lords commissioners of the admiralty.

The crews, numbering 284, have been paid down and gone to their homes, with the understanding that, on the receipt of the answer from your lordship, a copy of it shall be forwarded, with the amount of pay that may be awarded.

In the course of this month a further arrival of 153 officers and men may be expected.

It is right that I should point out that the men will now, in all probability, sell their claims for further pay to the money-lenders of our seaports, and that Her Majesty's foreign office is likely to be pressed by such individuals unless the legal question be quickly decided and promulgated.

I have, &c.,
(Signed) SHERARD OSBORN.

No. 20.

Mr. Hammond to Mr. Merivale.

FOREIGN OFFICE, *April* 15, 1864.

SIR: With reference to Mr. Layard's letter of the 4th instant, I am directed by Earl Russell to state to you, for the information of Secretary Sir Charles Wood, that his lordship is of opinion that instructions may now be addressed to the government of Bombay to permit the sale of the Thule, one of the vessels of the late Anglo-Chinese squadron, at present at Bombay. But the other vessels of the Anglo-Chinese fleet, now at Bombay, should be retained in the custody of the Government of Bombay till further instructions as to the disposal of these vessels shall be sent.

I am, &c.,
(Signed) E. HAMMOND.

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[1] Pekin, late Her Majesty's ship Mohawk; China, late Her Maiesty's ship Africa; Tientsin, gun-boat.

No. 21.

Mr. Layard to Major-General Sir E. Lugard.

FOREIGN OFFICE, *April* 20, 1864.

SIR: I am directed by Earl Russell to transmit to you a copy of a letter from Captain Osborn,[1] stating that the war department require instructions with regard to the disposal of the munitions of war on board the vessels composing the late Anglo-Chinese fleet. I am, therefore, to request that you will move Earl de Grey and Ripon to give directions for the return of those articles to Her Majesty's stores, if he should see no objection thereto.

I am, &c.,
(Signed) A. H. LAYARD.

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[701] *No. 22.

Mr. Layard to Captain Osborn.

FOREIGN OFFICE, *April* 20, 1864.

SIR: I am directed by Earl Russell to inform you that his lordship has requested the secretary of state for war, if he should see no objection thereto, to give directions for the return to Her Majesty's stores of the munitions of war referred to in your letter of the 14th instant, as having been purchased from the royal arsenal for the late Anglo-Chinese fleet.

I am, &c.,
(Signed) A. H. LAYARD.

No. 23.

Captain Osborn to Earl Russell.

OFFICE, 14 YORK CHAMBERS,
Adelphi, April 25, 1864. (Received April 25.)

SIR: I have the honor to state, for your lordship's information, that the lords commissioners of the admiralty have informed me that it is not their intention to purchase into the service the vessels of the Anglo-Chinese force left in charge of the Bombay naval authorities. They consist of the dispatch paddle-vessels Keang-soo and Kwang-tung, the gun-boat Amoy, formerly Her Majesty's ship Jaseur, and the screw-yacht Thule, with new stores and armament complete.

I hold receipts from the Bombay government for vessels, stores, and guns.

It would be illegal for me to attempt to sell these ships of war, and, indeed, when I proposed to sell the yacht, which could in no way be supposed to be an armed vessel, the Bombay government stopped the sale, and my agent had to submit under protest.

I propose, with the permission of your lordship, to rid myself of all further responsibility, by substituting a mercantile firm at Bombay as the agents to carry out Sir Frederick Bruce's instructions instead of

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[1] No. 19.

myself, and leave them to deal with the subject as ship-brokers, a business which I cannot be supposed to understand.

I have, &c.,
(Signed) SHERARD OSBORN.

No. 24.

The secretary to the admiralty to Mr. Layard.

ADMIRALTY, *May* 6, 1864. (Received May 7.)

SIR: With reference to former correspondence, respecting the purchase of the three vessels China, Pekin, and Tien-tsin, of the Anglo-Chinese squadron, brought to England by Captain Sherard Osborn, and now lying in Woolwich Basin, I am commanded by my lords commissioners of the admiralty to state, for the information of Earl Russell, that they have received the report of the officers appointed to survey and value the three vessels in question, and their lordships find that two of them are not fit for Her Majesty's service, and that the third, the China, (late Africa,) would be a suitable vessel, but her value is reported to be only £23,601, while her cost to the Chinese government is stated by Captain Osborn to have been £32,000.

My lords believe that, if the restriction on the sale of these vessels was removed, they would probably at this moment, when there is a demand for vessels for belligerent purposes, realize a higher price than that at which they are now valued; and if the China were to be bought by the government at the price named, it might be said that advantage had been taken of the peculiar circumstances in which she is placed to obtain repossession of her on much lower terms than those asked for her when sold to the Chinese government.

My lords do not, therefore, think that it would be expedient to purchase the China; and if Lord Russell is still of opinion that none of these vessels should, under any condition, be sold at the present time to other parties, their lordships can suggest no other course than that they should all be placed at moorings in the river Medway,

[702] *in charge of the officers of the steam-reserve, with a sufficient number of ship-keepers to preserve the machinery from deterioration; that a receipt should be given to Captain Osborn for the vessels; and that they should be retained until such time as the objections to their sale may be removed.

Should this proposal be adopted, it would be necessary for the government to decide whether the expenses incurred in the care of the vessels should be defrayed by the Chinese government, or in what manner they should be provided for.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 25.

Mr. Layard to the secretary to the admiralty.

FOREIGN OFFICE, *May* 12, 1864.

SIR: I have laid before Earl Russell your letter of the 6th instant, respecting the three ships forming part of the late Anglo-Chinese fleet

which are now in Woolwich basin, and suggesting that they should all be placed at moorings in the river Medway, until such time as the objections to their sale may be removed.

I am to state to you, in reply, for the information of the lords commissioners of the admiralty, that the course suggested in your letter appears to Lord Russell to be, under the circumstances, the best that can be adopted; but his lordship apprehends that the expense which may be thereby incurred should not be charged against the Chinese government, but must be defrayed by this country, a vote being taken for it in next year's estimates.

I am, &c.,
(Signed) A. H. LAYARD.

No. 26.

Lord Wodehouse to Mr. Hammond.

INDIA OFFICE, *May* 14, 1864. (Received May 14.)

SIR: With reference to the correspondence inclosed in Mr. Merivale's letter of the 12th ultimo, I am directed by Sir C. Wood to forward herewith copy of a further letter received from the government of Bombay, requesting to be furnished, from time to time, with any papers issued from the foreign office which may be deemed useful for their guidance, in cases arising out of the proceedings of the naval forces of the American belligerents visiting the Indian seas.

I take this opportunity of transmitting to you, for the information of Earl Russell, copy of a dispatch addressed by the secretary of state for India to the governor of Bombay, on the 18th of April last, based on the suggestions contained in your letter of the 15th of that month.

I am, &c.,
(Signed) WODEHOUSE.

[Inclosure 1 in No. 36.]

The Governor of Bombay in council to Sir C. Wood.

BOMBAY CASTLE, *February* 15, 1864.

RIGHT HONORABLE SIR: With reference to our letter in the marine department, dated the 12th March last, soliciting the instructions of Her Majesty's government relative to the vessels of the Anglo-Chinese squadron recently brought to Bombay, we have the honor to request that we may be furnished, from time to time, with any papers issued from the office of Her Majesty's secretary of state for foreign affairs [703] which may be deemed useful for *our guidance in cases arising out of the proceedings of the naval forces belonging to the American belligerents visiting these seas.

(Signed) H. B. E. FRERE.
W. E. FRERE.
J. D. INVERARITY.

[Inclosure 2 in No. 26.]

Sir C. Wood to the governor of Bombay in council.

[Secret.]

INDIA OFFICE, *April* 18, 1864.

SIR: In reply to the letter of your excellency's government of the 12th ultimo of 1864, in the marine department, respecting the disposal of the vessels of the Anglo-

Chinese squadron now at Bombay, I have to inform you that Her Majesty's government are willing to permit the sale of the Thule, but that the other vessels are to be retained in the custody of your government until further instructions are forwarded for your guidance.

2. With reference to the permission thus accorded for the sale of the Thule, it will be the duty of your excellency's government to take care that she is not equipped as a vessel of war for either of the belligerent parties in America; and it will be well, in signifying to Mr. Cruikshank the permission to dispose of her, that notice to this effect should be given to him, and also to any person who may purchase her.

I have, &c.,
(Signed) C. WOOD.

No. 27.

Mr. Murray to Lord Wodehouse.

FOREIGN OFFICE, *May* 18, 1864.

SIR: I have laid before Earl Russell your letter of the 14th instant, inclosing a copy of a letter from the government of Bombay requesting to be furnished, from time to time, with any papers received from this office which might be deemed useful in cases arising out of the proceedings of the American belligerents visiting the Indian seas; and I am to request that you will inform Secretary Sir C. Wood, in reply, that Lord Russell will cause the India office to be furnished with copies of all such papers.

I am to add that Lord Russell concurs in the instruction to the governor of Bombay, of which you inclose a copy, respecting the sale of the Thule.

I am, &c.,
(Signed) J. MURRAY.

No. 28.

Mr. Hammond to Lord Wodehouse.

FOREIGN OFFICE, *May* 31, 1864.

SIR: With reference to your letter of the 14th instant, I am directed by Earl Russell to state to you, for the information of Secretary Sir C. Wood, that Her Majesty's government cannot, at present, sanction the sale of the vessels forming part of the late Anglo-Chinese fleet which are now in India, and that they are prepared to take on themselves the responsibility of detaining unsold the vessels in question until further notice.

I am to request that you will move Sir C. Wood to cause instructions to the above effect to be given to the government of Bombay.

I am, &c.,
(Signed) E. HAMMOND.

P. S.—A communication to the above effect has been made to the admiralty, to Sir F. Bruce, and to Captain Sherard Osborn.

E. H.

[704] *No. 29.

Mr. Hammond to Captain Osborn.

FOREIGN OFFICE, *May* 31, 1864.

SIR: I am directed by Earl Russell to acquaint you, in reply to your letter of the 25th ultimo, that Her Majesty's government cannot, at present, sanction the sale of the vessels forming part of the late Anglo-Chinese fleet which are now in India; but that they are prepared to take on themselves the responsibility of detaining unsold the vessels in question until further orders.

A communication to the above effect has been made to the secretary of state for India and to the board of admiralty, and Sir F. Bruce will also be apprised of the decision of Her Majesty's government on the subject.

I am, &c.,
(Signed) E. HAMMOND.

No. 30.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *May* 31, 1864.

SIR: With reference to your letter of the 29th of March, I am directed by Earl Russell to state to you, for the information of the lords commissioners of the admiralty, that Her Majesty's government cannot, at present, sanction the sale of the vessels forming part of the late Anglo-Chinese fleet which are now in India, and that they are prepared to take on themselves the responsibility of detaining unsold the vessels in question until further orders.

I am, &c.,
(Signed) E. HAMMOND.

P. S.—A communication to the above effect has been made to the India office, to Sir F. Bruce, and to Captain Sherard Osborn.

E. H.

No. 31.

Earl Russell to Sir F. Bruce.

FOREIGN OFFICE, *June* 1, 1864.

SIR: Upon a full consideration of all the circumstances, Her Majesty's government are of opinion that they could not allow the war-vessels of the Anglo-Chinese fleet to be sold, lest they should fall into the hands of the belligerent powers, and so, by reason of their being sold in a British port, in some degree compromise Her Majesty's neutral position.

Her Majesty's government will, consequently, take upon themselves the responsibility of detaining unsold the vessels in question until further notice, but Her Majesty's government will take care that the Chinese government shall not lose ultimately the value of the vessels.

I inclose, for your information, copies of my correspondence on this subject with the admiralty, and the India office, and with Captain Sherard Osborn.

I am, &c.,
(Signed) RUSSELL.

No. 32.

Lord Wodehouse to Mr. Hammond.

INDIA OFFICE, *August* 3, 1864. (Received August 5.)

SIR: With reference to your letter of the 15th April last, and to previous correspondence on the subject of the disposal of the Anglo-Chinese fleet now at Bombay, I am directed by the secretary of state
[705] for India in council to forward to you a copy *of the correspondence with the war office and with Captain Sherard Osborn, R. N., and I am to request that Sir Charles Wood may be informed what course the secretary of state for foreign affairs would wish to be adopted in the matter.

I have, &c.,
(Signed) WODEHOUSE.

[Inclosure 1 in No. 32.]

The Marquis of Hartingdon to Lord Wodehouse.

WAR OFFICE, *May* 7, 1864.

SIR: I am directed by Earl de Grey and Ripon to transmit to you, for the infor ma tion of the secretary of state for India in council, the inclosed copy of a receipt for ordnance stores landed at Bombay from the ships Kwangtung, Keangsoo, and Amoy, which vessels formed part of the late Anglo-Chinese squadron.

And I am to acquaint you that the stores in question having been purchased from Her Majesty's government on account of the Imperial Chinese government, the secretary of state for war has ceased to exercise any control over them.

Lord de Grey therefore suggests that any arrangements for their purchase or disposal by the secretary of state for India should be made to Captain Sherard Osborn direct (at 14 York Chambers, Adelphi,) who, his lordship concludes, possesses full powers to treat upon the matter.

In conclusion, I am to add that this officer has been informed that all further communications on this subject should be addressed to your department.

I have, &c.,
(Signed) HARTINGTON.

[Inclosure 2 in No. 32.]

Lord Wodehouse to Captain Osborn.

INDIA OFFICE, *June* 22, 1864.

SIR: A letter having been received at this office, from the war department, inclosing a list of ordnance stores received into the arsenal at Bombay, from the ships Kwangsung, Keangsoo, and Amoy, which formed part of the late Anglo-Chinese squadron, I am directed by the secretary of state for India in council to acquaint you that it is purposed to make a reference to the government of Bombay on the subject; but, before doing so, Sir Charles Wood desires to be furnished with any observations which you may have to make in regard to the disposal of the stores in question.

I am, &c.,
(Signed) WODEHOUSE.

[Inclosure 3 in No. 32.]

Captain Osborn to Lord Wodehouse.

ROYAL SOVEREIGN, *Portsmouth, July* 13, 1864.

MY LORD: In reply to your letter of the 22d June, 1864, touching a list of ordnance stores left at Bombay, I have the honor to state that those stores, as well as four vessels, with all their equipment complete, were taken in charge, and receipts granted for them, pending the decision of Her Majesty's government in England.

2. I am still ignorant of that decision, so far as the ships and stores in India are concerned; the Bombay government seem, however, to have acted upon some specific instructions, for they prevented my agent selling, for the Chinese government, a vessel (the Thule) which was nothing more than a yacht.

3. If the Indian government do not purchase the vessels and stores, after placing an embargo on their sale, it will be a hard case for the Emperor of China, as all the vessels would fetch to-day in the market a higher price than their original cost, in consequence of the enhanced value of shipping.

[706] *4. I would suggest that the vessels be purchased, as well as the stores, at the original prices, deducting £30 per cent. for wear in the twelvemonth.

The Keangsoo is the fastest steamer in the Eastern seas, and, for political purposes, would be invaluable. At "half-speed" she can beat any vessel now in the possession of the Indian government, or in our squadron in India or China.

The Kwangsung is a fast vessel, mail-clad over her magazines and engines. She would form an excellent auxiliary to the Bombay Harbor defenses.

The Amoy would make a good tug, or coast-vessel for Bombay, Kurrachee, &c.

The Thule should be sold, or handed over to the Bombay pilot establishment.

5. I have lodged all the receipts for the vessels and stores left at Bombay in the hands of the Oriental Bank Corporation, London. They have a lien upon the said ships and stores, and it would be as well that any payment made be paid through that bank, as it has large transactions with the Chinese government.

6. I have the honor to inclose a copy of a letter to Earl Russell, reporting the circumstances under which I left the vessels and stores at Bombay.

I am, &c.,
(Signed) SHERARD OSBORN.

No. 33.

Mr. Melvill to Mr. Hammond.

[Confidential.]

INDIA OFFICE, *September* 13, 1864. (Received September 14.)

SIR: In continuation of previous correspondence on the subject of the disposal of the vessels of the Anglo-Chinese fleet, I am directed by Sir Charles Wood to forward to you, for the information of Earl Russell, copy of a letter from Captain Sherard Osborn, stating, with reference to the refusal of the Bombay government to permit him to sell the Thule, and to the sanction for its sale which was subsequently accorded, under instructions from the foreign office, that he no longer has any responsibility in the matter; that the Oriental Bank have a lien on her, and that he will, if the secretary of state for India so desire, instruct their Bombay agent to dispose of her, and to account for her sale to the Chinese government.

As all instructions relative to the disposal of the vessels in question have been issued at the instance of the foreign office, Sir Charles Wood will, in this case, be glad to be favored with Earl Russell's views of the answer to be returned to Captain Osborn.

I am, &c.,
(Signed) J. COSMO MELVILL.

[Inclosure in No. 33.]

Captain Osborn to Lord Wodehouse.

ROYAL SOVEREIGN, *Portsmouth, August* 26, 1864.

MY LORD: I have the honor to acknowledge the receipt of your communication of the 25th instant, inclosing a copy of a dispatch from the government of Bombay, touching the Chinese steamer Thule, which they prevented me selling some months

since. I am now relieved from all responsibility touching the said vessel, or others of the late Anglo-Chinese force.

The receipts granted me in Bombay, as well as in England, by the proper official authorities, leave the question of future disposal to be settled between the government of Great Britain and the Emperor of China.

The Thule is simply in the charge of the Indian naval department of Bombay, to be disposed of as you may direct. I have no agent there now, and I possess no authority or funds to have any further transactions on account of the force removed from China by order of our minister at Peking. At the same time, if Her Majesty's secretary of state for India wishes it, and will instruct me accordingly, I will cause the Oriental Bank Corporation agency at Bombay to dispose of the Thule, and account for her sale to the Chinese government. I explained in my letter of the 13th July to your
[707] lordship, the present position of myself, and the lien that the *Oriental Corporation had upon the ships and stores in the hands of the Bombay naval department, as well as in those of the British admiralty.

I have, &c.,
(Signed) SHERARD OSBORN.

No. 34.

Mr. Hammond to Mr. Merivale.

FOREIGN OFFICE, *September* 19, 1864.

SIR: I have laid before Earl Russell your letter of the 13th instant, relative to the disposal of the Thule, one of the vessels composing the late Anglo-Chinese fleet; and I am to request that you will state to Secretary Sir Charles Wood that his lordship is of opinion that the Thule may be sold if the Oriental Bank Corporation will account to the Chinese government for the proceeds of the sale.

I am, &c.,
(Signed) E. HAMMOND.

No. 35.

Mr. Wade to Earl Russell.

PEKING, *September* 12, 1864. (Received November 27.)

MY LORD: I communicated the substance of your lordship's dispatch of the 1st of June last, regarding the flotilla, to the Prince of Kung, and have now the honor to inclose copies of my dispatch, of his highness's reply, and of my rejoinder to it.

I have, &c.,
(Signed) THOMAS FRANCIS WADE.

[Inclosure 1 in No. 35.]

Mr. Wade to the Prince of Kung.

PEKING, *August* 19, 1864.

SIR: I have the honor to inform your Imperial Highness that I have received from Earl Russell, Her Britannic Majesty's principal secretary of state for foreign affairs, a dispatch, stating that, upon a full consideration of all the circumstances, Her Majesty's government are of opinion that they could not allow the war-vessels of the late Anglo-Chinese fleet to be sold, lest they should fall into the hands of a belligerent power, and so, by reason of their being sold in a British port in some degree compromise Her Majesty's neutral position.

Her Majesty's government will consequently take upon themselves the responsibility of detaining unsold the vessels in question until further notice, but Her Majesty's government will take care that the Chinese government shall not lose the value of the vessels.

I avail, &c.,
(Signed) THOMAS FRANCIS WADE.

[Inclosure 2 in No. 35.]

The Prince of Kung to Mr. Wade.

[Translation.]

The Prince of Kung makes a communication in reply.

The Prince is in receipt of a dispatch from Mr. Wade, Her Britannic Majesty's chargé d'affaires, dated the 19th instant. Mr. Wade informs him that Her Majesty's government are of opinion that they could not allow the war-vessels of the Anglo-Chinese fleet to be sold, lest they should fall into the hands of a belligerent power, and so, by reason of their being sold in a British port, in some degree compromise Her Majesty's neutral government; that Her Majesty's government will consequently [708] *take upon themselves the responsibility of detaining unsold the vessels in question until further notice, but will take care that the Chinese government shall not lose ultimately the value of the vessels.

The correspondence which took place some time ago, (on the subject of the steam flotilla,) and which contains all particulars of its history from first to last, will show, if referred to, that Mr. Lay, late inspector-general of customs, who was commissioned to provide these steamers, having departed from the spirit of his instructions, and the independent authority of the Chinese government becoming by his action compromised, (or interfered with,) the Chinese government found itself, on the one hand, compelled not to retain the vessels purchased for use, a restriction which imposed on it a loss of a large sum applied to no purpose to the current expenses of the fleet, and, on the other hand, compelled to abstain from realizing the cost of the vessels by their sale in China. In this double difficulty the government was beholden to Sir Frederick Bruce for a valuable suggestion. His excellency recommended that the vessels should be given to Captain Osborn, who would take them back to England, and there dispose of them on the most advantageous terms, remitting the proceeds to China. Sir Frederick Bruce also guaranteed that Captain Osborn would be certain to devote his best attention to the management of the affair, and further stated that he felt assured Her Majesty's government would also willingly assist Captain Osborn, and would give him such instructions as would enable him to wind up the account satisfactorily.

In the dispatch under acknowledgment Mr. Wade writes that, certain powers being now at war, there is great danger, if these vessels are sold, that they may fall into the hands of a belligerent, and thus compromise the neutrality of Great Britain; and he adds that, as the British government has taken the responsibility (of the detention) on itself, it will take care that the Chinese government shall not ultimately lose the value of the vessels.

The Prince admits it to be a fact that these steamers, if sold now, may fall into the hands of a belligerent power. At the same time, if the sale of them be delayed for very long, the current expense can hardly fail to be very considerable, while the vessels themselves will deteriorate in value; and it really would not do for the Chinese government to bear these further losses, in addition to the expenditure incurred last year.

That the Chinese government should be made to bear any loss was certainly not the desire of Sir F. Bruce when his valuable suggestion was made; when he guaranteed the devotedness (of Captain Osborn) as an agent, and the assistance which the British government would be sure to render towards the final settlement of the transaction; the Prince would, therefore, ask Mr. Wade, as his dispatch states that China shall ultimately receive the value of the vessels, whether it would not be possible for the British government to retain this flotilla for its own service.

This arrangement would amply satisfy every requirement. It would fulfill the engagement [implied] in Sir E. Bruce's dispatch of last year, in which he promised that the vessels should be sold on the most advantageous terms, and China thus spared any loss in addition to what she had already sustained by the expenses of the ships during the past year; and, while the British government would be saved the trouble of disposing of these vessels for China, its neutrality would remain uncompromised, for the vessels could not become the property of a belligerent power. The friendly disposition of Sir F. Bruce and the British government would be placed in a stronger

light than ever; and Captain Osborn would be enabled to complete satisfactorily the affair which he so well began. If Mr. Wade considers the suggestion practicable, the price of the vessels should be deducted from the amount of indemnity payable by the Chinese customs to the British government; and thus, by this one modification of existing arrangements, all parties would be benefited.

The Prince, as in duty bound, addresses this dispatch to Mr. Wade, and hopes to receive a reply.

A necessary communication addressed to Mr. Wade, Her Britannic Majesty's chargé d'affaires.

Tung Chih, 3d year, 7th moon, 22d day, (Peking, August 23, 1864.)

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[709] * [Inclosure 3 in No. 35.]

Mr. Wade to the Prince of Kung.

PEKING, *August* 31, 1864.

SIR: I have the honor to acknowledge your imperial highness's dispatch of the 23d instant.

Your highness apprehends that, by the existing arrangement, the expense of the flotilla, lately under the command of Captain Osborn, may possibly continue, while the vessels will deteriorate in value.

The expense alluded to, I assume to be that which would be occasioned by the maintenance of the crews; but on this point I am happy to be able to state there is no ground for apprehension.

Captain Osborn has written to say that, finding it impossible to sell at Bombay the four vessels he had taken round to that port, he had handed them over, with their stores and ordnance, to the naval authorities there, and had sent home their crews. The remaining vessels, with their stores and ordnance, he had committed to the safe keeping of the naval authorities in England. He was, when he wrote, in the act of paying off their crews, and would proceed to pay off the crews of the vessels left in India as soon as they should reach home. Not receiving remittances as early as he had expected from China, he had been obliged, in order to effect some of these payments, to sell the store-ship Ballarat, as also the stores she had on board. As soon as he could complete his accounts he would report the balance remaining to the credit of the Chinese government. Meanwhile he hoped that the whole of the crews would be settled with by the end of May.

From the date of their discharge, of course, these men would cease to be an expense to the Chinese government.

As regards the transfer of the vessels themselves to the naval service of Her Majesty, and the mode of re-imbursement, upon the practicability of which your imperial highness requests my opinion, I can say no more at present than that these vessels, though excellent of their kind, will not, I fear, be regarded as available for the naval service.

Beyond this I do not venture to anticipate the instructions which, in due time, I shall no doubt receive regarding them; but it will be my duty to take the earliest opportunity of acquainting Her Majesty's government with your imperial highness's suggestion.

Accept, &c.,
(Signed) T. F. WADE.

No. 36.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *December* 5, 1864.

SIR: With reference to my letter of the 31st of May last, I am directed by Earl Russell to transmit to you a copy of a dispatch from Her Majesty's chargé d'affaires at Peking,[1] inclosing copies of his correspondence with Prince Kung relative to the ultimate disposal of the vessels of the late Anglo-Chinese flotilla.

I am to request that in laying this correspondence before the lords

[1] No. 35.

commissioners of the admiralty, you will move them to favor Lord Russell with the means of returning an answer to Prince Kung's letter of the 23d of August.

The lords of the admiralty would no doubt think it desirable to consult with Captain Osborn, and Lord Russell would suggest that their lordships should also communicate on this subject with Sir F. Bruce, who may be expected in town in the course of a few days, and whom Lord Russell will request to call at the admiralty, should their lordships so desire it.

I am, &c.,
(Signed) E. HAMMOND.

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[710] *No. 37.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *December* 9, 1864. (Received December 10.)

SIR: I am commanded by my lords commissioners of the admiralty to transmit to you, to be laid before the secretary of state for foreign affairs, the inclosed copy of a letter from Messrs. Ritherdon & Thompson, requesting to be informed whether the gun-boats Mohawk, Pekin, Tien-tsin, late of the Anglo-Chinese squadron, are for sale; and I am to request you will inform Earl Russell that my lords think it most desirable that these vessels should be disposed of, and would suggest that the proposal of Messrs. Ritherdon should be considered, taking proper security that the ships should not, after sale, be used for an improper purpose.

I am, &c.,
(Signed) C. PAGET.

[Inclosure in No. 37.]

Messrs. Ritherdon & Thompson to the secretary to the admiralty.

109 FENCHURCH STREET, *London, December* 5, 1864.

SIR: We respectfully beg leave to inquire whether the lords commissioners of the admiralty would entertain a proposal for the purchase of the gun-boats Mohawk, Pekin, or Tien-tsin, of the Anglo-Chinese squadron: and, in that case, whether their lordships will direct particulars to be furnished to us, and the price at which they will be sold, and favor us with an order to inspect them. The parties for whom we make the inquiry beg us to state that the vessels are not required for the North American controversy.

We have, &c.,
(Signed) RITHERDON & THOMPSON.

No. 38.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *December* 13, 1864.

SIR: I have laid before Earl Russell your letter of the 9th instant, inclosing an application from Messrs. Ritherdon & Thompson, who desire to be informed whether the gun-boats Mohawk, Pekin, or Tien-

tsin, late of the Anglo-Chinese squadron, are for sale, and stating that the lords of the admiralty think it most desirable that the vessels should be disposed of, proper security being taken that they should not, after sale, be used for an improper purpose.

I am to request that you will state to the board of admiralty that, before giving any decided answer, Lord Russell would wish to be informed whether Messrs. Ritherdon & Thompson will give a guarantee that the vessels shall not be used for warlike purposes against any power with whom the Queen is at peace.

I am, &c.,
(Signed) E. HAMMOND.

No. 39.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *December* 23, 1864. (Received December 24.)

SIR: With reference to your letter of the 20th instant, relative to the disposal of the gun-boats Mohawk, Pekin, and Tien-tsin, late of the Anglo-Chinese squadron, I am commanded by my lords commissioners of the admiralty to transmit to you, for the information of Earl Russell, a copy of a letter from Messrs. Ritherdon & Thompson relative to the guarantee that would be given in case they became the purchasers of these vessels, and I am to acquaint you that it is proposed to inform *those gentlemen that a written guarantee will be required from the representative of the power for whom the vessels may be purchased that they will not be used for warlike purposes against any power with whom the Queen is at peace, and that my lords reserve to themselves the right of refusing, without giving any reason, to sell the vessels when the name of their principal is disclosed.

[711]

I am, &c.,
(Signed) W. G. ROMAINE.

[Inclosure in No. 39.]

Messrs. Ritherdon & Thompson to the secretary to the admiralty.

109 FENCHURCH STREET, *London, December* 20, 1864.

SIR: We have the honor to acknowledge the receipt of your letter of the 14th instant, which we have communicated to the parties for whom we made the inquiry in ours of the 5th instant, and, in reply, they state that the government who may become the purchasers of the gun-boats are not only at peace with Her Majesty's government but with all the world. They presume that the lords commissioners of the admiralty do not mean that these boats are not to be used for warlike purposes in case of need.

There will be no difficulty in giving a guarantee that the ships are not bought for the purpose of being used for warlike purposes against any power with whom Her Majesty is at peace.

The parties are unacquainted with the nature of the guarantee that their lordships would require. They trust, however, with the above assurance, they will name a price for the vessels and direct particulars to be furnished to them, when, if the terms are suitable, the name of the government will be given; and they venture to believe that when their lordships learn the name of the government for whom the boats are required they will probably dispense with the guarantee altogether.

We have, &c.,
(Signed) RITHERDON & THOMPSON.

No. 40.

Mr. Hammond to the secretary to the admiralty.

[Immediate.]

FOREIGN OFFICE, *December* 24, 1864.

SIR: I have laid before Earl Russell your letter of yesterday, inclosing a copy of a further letter from Messrs. Ritherdon & Thompson, respecting the disposal of the three vessels belonging to the late Anglo-Chinese squadron, and I am to request that you will acquaint the lords commissioners of the admiralty that his lordship concurs in the terms on which their lordships propose to dispose of the vessels, as stated in your letter.

I am, &c.,
(Signed) E. HAMMOND.

No. 41.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *February* 3, 1865. (Received February 4.)

SIR: I am commanded by my lords commissioners of the admiralty to request you will state to the secretary of state for foreign affairs that they have conferred with Sir Frederick Bruce and Captain Sherard Osborn with regard to the best manner of dealing with the vessels of the Anglo-Chinese squadron in England and Bombay. It appears to my lords that the only satisfactory way of dealing with this question is, first, that the controller of the navy, the accountant-general, and Captain Osborn should meet and fix the value of these vessels when they left China, and that this should be the amount to be paid for them to the Chinese government.

This sum being agreed upon and approved by Earl Russell, my lords agree with Sir F. Bruce that the course proposed by Prince Kung
[712] should be adopted, and the *amount deducted from the quarterly payments of the Chinese indemnity-money, in such proportions as shall seem advisable. The meeting should be arranged at an early date, if approved, as Captain Osborn is about to leave England. The vessels should then be sold to the best advantage, and the proceeds paid into the exchequer.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 42.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *February* 8, 1865.

SIR: I have laid before Earl Russell your letter of the 3d instant, stating the course which the lords commissioners of the admiralty recommend for adoption with regard to the vessels of the late Anglo-Chinese flotilla in England and Bombay; and I am to request that you will state to the lords of the admiralty that Lord Russell concurs in the

propriety of that course, and requests that their lordships will take the requisite measures for giving effect to it, and more particularly to be well assured that the vessels will not fall into the hands of the confederates of North America.

I have, &c.,
(Signed) E. HAMMOND.

No. 43.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *February* 25, 1865. (Received February 27.)

SIR: With reference to your letter of the 8th instant, in regard to the valuation of the vessels composing the late Anglo-Chinese squadron, I am commanded by my lords commissioners of the admiralty to request that you will state to Earl Russell that the comptroller of the navy, assisted by the accountant-general and Captain Osborn, has inquired into the value of the seven vessels of which the squadron consisted at the time it was withdrawn from the China Seas, by direction of Sir Frederick Bruce.

It appears to my lords that the total sum to be allowed may be taken at £152,500. In this sum is included an allowance of 17½ per cent. on the value of the ships for the coals, stores, &c., provided at the expense of the Chinese government, which were necessary for the voyages from China to England and Bombay.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 44.

The secretary to the admiralty to Mr. Hammond.

[Immediate.]

ADMIRALTY, *February* 27, 1865. (Received February 27.)

SIR: With reference to my letter of the 25th instant, I am commanded by my lords commissioners of the admiralty to request you will lay before Earl Russell the accompanying extract from a report from Captain Sherard Osborn, in which he states his opinion, as a trustee of the Chinese interests, that the sum of £152,500 will meet the claims of the Chinese government in respect of the vessels late composing the Anglo-Chinese squadron, irrespective of their war-office stores.

I am, &c.,
(Signed) W. G. ROMAINE.

[*Inclosure in No. 44.]

Captain Osborn to the secretary to the admiralty.

[Extract.]

DECEMBER 25, 1865.

This sum of £152,500 represents the entire sum due to the Emperor of China for the value of the ships, and all provisions, stores, coals, &c., which it was necessary to put

into these vessels to enable them to be carried to British ports from China; but does not include the value of the munitions of war, guns, and powder returned by me to the War Department, *i. e.*, to the royal arsenal at Woolwich, and the ordnance stores in Bombay; and, acting as a trustee of the Chinese interest in these vessels, I am prepared to say, that if the said sum of £152,500 be refunded to the Chinese government, as well as the value of the said munitions of war, that the Emperor of China can have no other claim upon Her Majesty's government for indemnification; and that the rest of the pecuniary loss ought justly to fall on the Emperor of China.

No. 45.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *February* 27, 1865.

SIR: I have laid before Earl Russell your letters of the 25th and 27th instant respecting the proposed arrangement for taking over, at the price of £152,000, the vessels composing the late Anglo-Chinese squadron, with the intention, as stated in your letter of the 3d instant, of eventually selling those vessels to the best advantage.

In reply to your letter of the 3d, I stated to you, in my letter of the 8th, that while concurring in the propriety of the course recommended by the board of admiralty in regard to the acquisition of these vessels by Her Majesty's government, Lord Russell requested that their lordships would more particularly be well assured that the vessels would not fall into the hands of the confederates of North America; and I am to state to you that, before Lord Russell assents to the course proposed in your letters of the 25th and 27th instant, he would wish to be informed whether due provision will be made both now and hereafter against such a contingency.

I am, &c.,
(Signed) E. HAMMOND.

No. 46.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *February* 28, 1865. (Received February 28.)

SIR: In acknowledging receipt of your letter of yesterday's date, I am commanded by my lords commissioners of the admiralty to request you will state to Earl Russell that the arrangement for fixing the value to be paid to the Chinese government for the vessels lately forming the Anglo-Chinese squadron was proposed by their lordships, after a consultation with Sir F. Bruce and Captain Osborn, held at the request of Earl Russell.

It was understood by my lords that the amount to be allowed to the Chinese government was to be deducted from the indemnity-money payable by that government. To such an arrangement the sanction of the treasury is required; and their lordships' letters of the 25th and 27th instant were written with the view that the secretary of state might obtain such sanction.

The disposal of the vessels is a separate question. My lords have already pointed out that the vessels are not suitable for Her Majesty's service, and have declined to purchase them; and have sub-

mitted to the foreign office proposals made by other parties. My lords would not recommend the acceptance of any proposal unaccompanied by a sufficient guarantee that the purchase was not made on behalf of a belligerent power; and they would in every case submit the proposals received by them to Earl Russell for his sanction. The vessels, therefore, would not pass out of the hands of the government without
[714] the previous approval of the secretary of state. And *my lords trust that, with this assurance, his lordship will not object to apply for the sanction of the treasury.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 47.

Mr. Hammond to Mr. Peel.

FOREIGN OFFICE, *March* 2, 1865.

SIR: With reference to your letter of the 26th of August last, upon the subject of the disposal of the vessels of the late Anglo-Chinese flotilla, I am directed by Earl Russell to transmit to you copies of a dispatch and its inclosures from Mr. Wade, of the correspondence between this office and the admiralty, of the dates marked in the margin,[1] from which it will be seen that, with the view of relieving Her Majesty's government as well as the government of the Emperor of China of all further embarrassment in regard to these vessels, it is proposed that a sum of £152,500 should be paid to the Chinese government, in full of all demands. Such sum to be deducted from the quarterly payments of the Chinese indemnity-money.

It is further proposed that, as these vessels are not deemed suitable for Her Majesty's service, they shall be disposed of by the undersigned, as occasion may offer, to other parties, under a sufficient guarantee that they shall not fall into the hands of the confederate government of North America, or any belligerent power.

Lord Russell requests that you will submit these proposals to the lords commissioners of Her Majesty's treasury, and ask for their concurrence therein.

I am, &c.,
(Signed) E. HAMMOND.

No. 48.

Mr. Peel to Mr. Hammond.

TREASURY CHAMBERS,
March 17, 1865. (Received March 17.)

SIR: I am commanded by the lords commissioners of Her Majesty's treasury to acquaint you, for the information of Earl Russell, that they have had under consideration the proposal contained in your letter of 2d instant, in regard to the mode in which the vessels of the late Anglo-Chinese flotilla should be disposed of, viz:

1. That a sum of £152,000 should be paid to the Chinese government,

[1] No. 35, inclosure in No. 37, Nos. 41, 42, 43, 44, 45, and 46.

together with the value of certain army stores, and that the amount should be deducted from the quarterly payments of the Chinese indemnity-money.

2. That, as these vessels are not deemed suitable for Her Majesty's service, they should be disposed of by the admiralty, as occasion may offer, and that the sums so realized should be paid into the exchequer.

I am to request you to inform Earl Russell that my lords do not feel that they would be justified, without the special sanction of Parliament, in appropriating any portion of the Chinese indemnity-money in the manner proposed; that their lordships understand that Her Majesty's government is not under any binding engagement with the Chinese government, either to purchase these vessels on the part of the public, or to allow the value of them to be stopped, in the manner proposed, out of the regular payments of the Chinese indemnity-money, and that the only engagement which Her Majesty's government has undertaken is, to indemnify the Chinese government for any loss they may eventually sustain in realizing the value of the ships and their stores, owing to the acts of the British government.

If this view of the engagement of Her Majesty's government be correct, my lords would recommend that the admiralty should undertake the sale of the vesseis; that the amounts realized should be held for the account of the Chinese government, and be remitted to them in such manner as may be hereafter determined, and that the loss which may result from the sales, at compared with the admitted value of the ships, should, when ascertained, be made the subject of parliamentary provision.

[715] *By this arrangement the indemnity-money will be left untouched, and the sum required to be voted will be reduced to its minimum.

If Lord Russell should concur in this view, their lordships request that he will put himself in communication with the board of admiralty accordingly, and apprise Her Majesty's chargé d'affaires at Pekin with the decision of Her Majesty's government.

I am, &c.,
(Signed) F. PEEL.

No. 49.

Earl Russell to Mr. Wade.

FOREIGN OFFICE, *March* 28, 1865.

SIR: With reference to your dispatch of the 12th of September last, respecting the disposal of the vessels of the late Anglo-Chinese flotilla, I have to state to you that, upon a full consideration of the circumstances, Her Majesty's government are not prepared to appropriate any portion of the Chinese indemnity-money in compensating the Chinese government for these vessels.

It has consequently been decided that the admiralty shall be intrusted with their sale, and that the amount which may be realized shall be held for the account of the Chinese government, and shall be transmitted to them in such manner as may hereafter be determined upon; and that any loss which may result from the sale, as compared with the sum of £152,500, which is the admitted value of the ships, shall be made good to the Chinese government. Her Majesty's govern-

ment will in this manner fully act up to their only engagement with the Chinese government with regard to these vessels, which is to indemnify the Chinese government for any loss they may eventually sustain in realizing the value of the ships and their stores.

You will communicate this decision to the Chinese government.

I inclose copies of letters from the admiralty relating to the present value of these vessels.

I am, &c.,
(Signed) RUSSELL.

No. 50.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *March* 28, 1865.

SIR: I am directed by Earl Russell to request that you will state to the lords commissioners of the admiralty that, on the receipt of your letter of the 28th ultimo, his lordship caused a letter, of which a copy is inclosed, to be addressed to the treasury, requesting the concurrence of that board in the arrangements suggested by the admiralty with regard to the disposal of the vessels of the late Anglo-Chinese flotilla.

The lords of the admiralty will, however, observe, from the inclosed copy of the answer received from the treasury, that that board does not feel that it would be justified, without the special sanction of Parliament, in appropriating any portion of the Chinese indemnity-money in the manner proposed, and has suggested another course of proceeding, by which the indemnity-money would be left untouched, and the sum required to be hereafter voted would be reduced to a minimum.

I am directed by Lord Russell to say that, provided the vessels in question are not sold directly or indirectly to any state or body of persons at war with a state in amity with Her Majesty, his lordship is willing to concur in the course suggested by the treasury, and requests that the lords of the admiralty will proceed accordingly.

I am, &c.,
(Signed) E. HAMMOND.

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[716] *No. 51.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *June* 2, 1865.

SIR: With reference to former correspondence, I am commanded by my lords commissioners of the admiralty to acquaint you that they presume there will be now no objection to the disposal of the ships of the Anglo-Chinese force at home and at Bombay, or of other vessels of war which my lords may deem it desirable to dispose of.

I am further desired to request you will inform Earl Russell that they propose to sell all or any of these vessels, either by private contract or by auction, without taking any guarantee that they are not purchased for, or intended to be sold to, any belligerent power.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 52.

Mr. Hammond to the secretary to the admiralty.

FOREIGN OFFICE, *June* 5, 1865.

SIR: I have laid before Earl Russell your letter of the 2d instant, and I am directed to request that you will state to the lords commissioners of the admiralty, in reply, that Lord Russell concurs in the course which their lordships now propose to take, with the view of disposing of the vessels of the late Anglo-Chinese fleet, and of any other vessels which the admiralty may be desirous of selling.

I am, &c.,
(Signed) E. HAMMOND.

No. 53.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *June* 19, 1865. (Received June 20.)

SIR: I am commanded by my lords commissioners of the admiralty to request that you will lay before the secretary of state for foreign affairs the inclosed copy of a letter which has this day been addressed to the secretary of state for India, respecting the disposal of the vessels of the Anglo-Chinese squadron, now in charge of the government of Bombay.

I am, &c.,
(Signed) J. R. BRIGGS, *pro Sec.*

[Inclosure in No. 53.]

The secretary to the admiralty to Lord Wodehouse.

ADMIRALTY, *June* 19, 1865.

SIR: I am commanded by my lords commissioners of the admiralty to request you will state to the secretary of state for India that, as the restriction on the sale of the Anglo-Chinese vessels now in charge of the government of Bombay has been removed, my lords would suggest that orders should be sent out by this mail to the proper authorities to take measures of disposing of them by public sale, and that, in the mean time, such repairs or painting as are required for the preservation of the vessels should be done; the expense incurred in so doing to be repaid out of the proceeds of the sale.

My lords have no information as to the price these vessels would be likely to fetch in the market; their value, to be allowed to the Chinese government, was fixed (by a committee appointed to inquire into the matter) at—Keang-soo, £45,500; Kwang-
[717] tung, £20,000; Amoy, £9,000; Thule, £8,000; but as these sums *included some allowances beyond the actual value of the vessels, my lords do not expect that this sale would realize more than one-half or three-fifths of that amount, and they would suggest that competent persons at Bombay should be directed to value these vessels, and to fix the minimum price which should be accepted for them.

I am, &c.

No. 54.

Mr. Wade to Earl Russell.

[Extract.]

PEKIN, *September* 6, 1865. (Received December 2.)

By your lordship's dispatch of the 28th March, I had the honor to be informed of the decision arrived at by Her Majesty's government re-

garding the ultimate compensation of the Chinese government in the question of the steam flotilla, and I have now to acknowledge your lordship's dispatch inclosing copies of correspondence with the admiralty on the same subject.

I inclose to your lordship copies of two dispatches I addressed to the prince of Kung on the 18th ultimo; one forwarding the accounts relating to the steam flotilla, which I had received on three different occasions from Captain Osborn; the other, announcing the steps taken by Her Majesty's government to secure a fair estimate of the value of the vessels composing the flotilla.

[Inclosure 1 in No. 54.]

Mr. Wade to the prince of Kung.

PEKIN, *August* 18, 1865.

SIR: I have the honor to forward to your imperial highness a box of accounts, and various other papers relating to the payment of the crews of the steam-flotilla brought to China under command of Captain Osborn. They have arrived at different times, but feeling that any explanation your highness might require of the contents of these unavoidably voluminous documents would be most satisfactorily supplied by Mr. Hart, I waited for the arrival of that gentleman.

I renew, &c.,
(Signed) T. F. WADE.

[Inclosure 2 in No. 54.]

Mr. Wade to the prince of Kung.

PEKIN, *August* 18, 1865.

SIR: I am instructed to state to your imperial highness that it has been decided by Her Majesty's government that the admiralty should be intrusted with the sale of the steam flotilla brought to China under command of Captain Osborn; that the lords commissioners of the navy, having deputed the comptroller of the navy, the accountant-general, and Captain Osborn, to estimate the value of the vessels composing the flotilla, have reported this to be £152,500 sterling, a sum equal to about 467,500 teals. Her Majesty's government has accepted this estimate, and is prepared, should the vessels in question, when sold, realize less than the amount above specified, to make up that amount to the Chinese government.

The sum of £152,500 sterling does not include the value of certain munitions of war, guns, and powder, returned by Captain Osborn to the war department, which value will also have to be refunded to the Chinese government.

I renew, &c.,
(Signed) T. F. WADE.

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[718] [*Inclosure 3 in No. 54.]

The prince of Kung to Mr. Wade.

[Translation.]

The prince of Kung makes a communication in reply. On the 27th of the 6th moon of the 4th year of Tung Chih (18th of August, 1865) the prince received from Mr. Wade one dispatch, here quoted, announcing the estimate of the value of the flotilla, and another, also quoted, accompanying the accounts forwarded by Captain Osborn.

The steps taken by the British government to enable the government of China to receive the value of the steamers, guns, and munitions of war, to which these dispatches relate, are sufficient proof of the completeness with which matters are arranged by the British government, and of the good faith with which the promises of Sir F. Bruce and Mr. Wade [that due representation should be made on the subject] have been kept. The prince is deeply impressed by what has been done, and is most grateful for it. His highness will send the box of papers to Mr. Inspector-General Hart, that the bills it contains may be passed into the accounts of the flotilla, in order to a final settlement of these. In the mean time, as in duty bound, he replies to Mr. Wade.

A necessary reply, addressed to Mr. Wade, &c.

Tung Chih, 4th year, 7th moon, 6th day, (26th of August, 1865.)

No. 55.

Sir F. Bruce to the Earl of Clarendon.

[Extract.]

WASHINGTON, *December* 9, 1865. (Received December 25.)

Mr. Burlingame, the minister of the United States in China, has given me copy of a dispatch addressed to him by the Chinese government shortly before his departure from China, requesting him and myself to assist in obtaining a speedy settlement of the flotilla account.

The communication I had with Her Majesty's government on this subject when I was in England on leave induce me to believe that this question has not escaped notice, and that provision for this purpose will be made during the ensuing session of Parliament.

I may mention that there is no doubt that agents of the confederates were on the look-out to purchase the more powerful vessels of the squadron from the Chinese had they been left in their hands, and it is equally certain that the Chinese would have sold those vessels as being unsuited to them.

It is not difficult to conjecture what would have been the effect on our relations with this government had any of these vessels been turned into confederate cruisers.

It would have been impossible to disabuse this government and people if the idea that the flotilla was a deep-laid scheme to supply the confederates with an efficient squadron in the Pacific.

I have, &c.,
(Signed) FREDERICK W. A. BRUCE.

[Inclosure in No. 55.]

The Tsung-li Yamén to Mr. Burlingame.

[Translation.]

We beg to address your excellency respecting the sale of these steamers.

Last year you and the British minister, Sir Frederick Bruce, made an excellent arrangement for us respecting the disposition of Captain Osborne's flotilla, according to which he was to take the vessels back to England, dispose of them there, and remit the proceeds to China, and both myself and all the members of the foreign office were deeply grateful for the friendly disposition and great assistance rendered us in arranging this affair, so that we could then place the details on the records of the board of revenue. We also reported the whole of the circumstances to the throne, and received directions to arrange it in that way.

[719] *However, more than a year has now elapsed since that was done, and when Sir Frederick Bruce left here on his return to England last summer, and personally requested him to devise some way on his arrival by which the whole business could be soon closed. In September last Mr. Wade officially informed us that, owing to war then existing in the West, it was not unlikely that some delay would arise in selling the vessels, owing to an apprehension that some of the belligerents might get them. We replied that if the British government would take them for their own use one-fifth would be deducted, and we inclosed an account corresponding with this proposition. He answered that he could not himself make any final arrangement respecting them; but as soon as the directions of his government respecting them were received he would inform us.

As no intimation concerning this matter had been received in November last, we wrote to Sir Frederick Bruce himself, urging him to arrange it as soon as he could, and confided the letter to Mr. Wade to translate and forward. As nothing has been hitherto received from Sir Frederick about the sale of the vessels and remittance of the proceeds, as we had expected, we are left in a state of anxious uncertainty concerning

them. We are well aware that he and your excellency made the most suitable and satisfactory arrangement at the time for their disposal, and we all, both myself and colleagues in the foreign office, have entire confidence in your honor; but as the affair is connected with the revenue of the country as long as it remains unsettled, so long are we responsible for the issue.

Knowing, then, that you both so willingly agreed as to the proper mode of action, we, therefore, do not hesitate to write your excellency this note upon the subject. As soon as you can ascertain the present value of these steamers or (and) when their proceeds will be remitted to China, we shall be very much pleased to receive your answer, and thereby be relieved from our present suspense.

We avail, &c.

Card of

PRINCE KUNG.

With those of

PANYUM,
WENSIANG,
TSUNGLUN,
SUNG SIUN,
KUNGLI, and
SIOH HWAN.

No. 56.

Mr. Adams to the Earl of Clarendon.

LEGATION OF THE UNITED STATES,
London, December 28, 1865. (Received December 28.)

MY LORD: In a conversation which I had the honor to hold with your predecessor, the Right Honorable Earl Russell, on the 25th February, 1864, I acquitted myself of what was to me a most agreeable duty, of signifying to Her Majesty's government the high sense entertained by that which I have the honor to represent of the friendly proceedings of Her Majesty's envoy in China, Sir Frederick Bruce, in regard to the disposition to be made of the vessels then known as the "Osborn flotilla."

I now have the honor to submit to your lordship's consideration copies of certain papers which have been transmitted to me, for the purpose of explaining the views held by my Government of the further measures which Sir Frederick has been pleased to adopt to facilitate the complete execution of the plan proposed in that case.

I am instructed to express to your lordship the entire satisfaction of the United States with the course pursued by Sir Frederick in reference to this matter, as also in his relations with the Government at Washington; and to inform you that it would be agreeable to it if the views to be presented should find favor with Her Majesty's government.

I pray, &c.,

(Signed) CHARLES FRANCIS ADAMS.

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[720] [*Inclosure 1 in No. 56.]

Mr. Burlingame to Mr. Seward.

WASHINGTON, *November* 27, 1865.

SIR: I have the honor to inclose a note handed to me on behalf of Prince Kung, by Tung Sinn and Harki, members of the foreign office in China. It relates to the "Osborn flotilla," and my connection therewith. I ascertained in London that the British government would take the vessels, and pay for them, as soon as an appropriation could be made. I was requested by the British authorities to consult with Sir

Frederick Bruce, now the British minister here, to the end that he might advise his government in the interests of justice. I have seen Sir Frederick, who, I am happy to say, is prepared to aid the Chinese, and to urge his government to at once close this business according to their wishes.

This proposed action on his part is but a continuation of that spirit of amity which led him, in the interests of peace, to send the flotilla to England, and will be appreciated by you.

I have, &c.,
(Signed) ANSON BURLINGAME.

[Inclosure 2 in No. 56.]

The Tsung-li Yamên to Mr. Burlingame, February 11, 1865.

[See inclosure in No. 55.]

No. 57.

The secretary to the admiralty to Mr. Hammond.

ADMIRALTY, *December* 30, 1865. (Received December 30.)

SIR: With reference to your letter of the 28th instant and its inclosures, calling the attention of my lords commissioners of the admiralty to the importance of an early settlement of the question of the disposal of the vessels of the late Anglo-Chinese flotilla, I am commanded by their lords to acquaint you, for the information of Earl Clarendon, that they have accepted the offer of the Egyptian government, made through Efflatoun Bey, to purchase the vessels, named on the other side hereof,[1] at the prices stated against their names, and my lords would suggest that the sum of £30,100 should be paid at once to the Chinese government.

I am, &c.,
(Signed) W. G. ROMAINE.

No. 58.

Earl Russell to Mr. Adams.

FOREIGN OFFICE, *December* 30, 1865.

SIR: I have had the honor to receive your letter of the 28th instant, and its inclosures, respecting the disposition of the vessels known as the "Osborn Flotilla" and the course pursued by Sir F. Bruce in the matter.

Her Majesty's government learn with great satisfaction that the steps taken by Sir F. Bruce in that matter, as also his relations with the Government at Washington, are acceptable to the government.

Her Majesty's government have also received from Her Majesty's chargé d'affaires at Peking a copy of a note dated the 26th of August last, in which His Highness Prince Kung expresses himself grateful to Sir F. Bruce for his conduct in regard to those vessels. Her Majesty's government are using their utmost endeavors to wind up the affair in a manner which shall be satisfactory to all parties; and I may mention

[1] China, (late African,) £12,500; Pekin, (late Mohawk,) £9,600; Tien-tsin, £8,000. Total, £30,100.

that I have lately been informed by the board of admiralty that
[721] they are in *treaty with the Egyptian government for the purchase by that government of the vessels of the squadron now in this country, and that the commodore commanding in India has been directed to take the necessary steps for disposing of those at Bombay.

I am, &c.,
(Signed) RUSSELL.

P. S.—Since writing the above, I have been informed by the admiralty that they have sold three of the vessels, viz, the China, Pekin, and Tien-tsin, to the Egyptian government for the sum of £30,100.

R.

No. 59.

Mr. Hamilton to Mr. Hammond.

TREASURY CHAMBERS,
February 25, 1867. (Received February 25.)

SIR: The lords commissioners of Her Majesty's treasury have had before them your letter of the 18th instant, further respecting the sale of two of the vessels of the late Anglo-Chinese squadron and the payment of the proceeds to the Chinese government.

My lords desire me to state, for the information of Lord Stanley, that they have received no intimation that the purchase-money of the vessels referred to has been placed to the credit of Her Majesty's government; but, adverting to the recommendation of Lord Stanley, that the amount should be remitted to the Chinese government with the least possible delay, they will be prepared to give the necessary instructions, by the next mail, to the officer in charge of the treasury-chest at Hong-Kong, to hold the amount at the disposal of Her Majesty's minister at Peking for this purpose.

Lord Stanley will have perceived that a vote has been recently taken to make good the loss incurred under the arrangement with regard to this squadron; and my lords propose, should his lordship concur with them, to issue directions to the officer in charge of the chest at the same time to hold that sum also at the disposal of Her Majesty's minister at Peking.

Under the terms of the arrangement referred to in the letter from this board of 17th March, 1865, the total sum to be paid to the Chinese government on account of these vessels was stated at £152,500, besides the value of stores, &c.

Of this sum directions have been already given for the payment by the treasury-chest:

On February 10, 1866	£20,500
May 5	9,600
December 8	8,124
	38,224

Leaving a balance of £144,276 remaining due to the Chinese government, for the payment of which directions will be given to the officer in charge of the treasury-chest.

In addition to the above-mentioned payments, Lord Stanley is aware

that the sums of £13,850 12*s.* 3*d.* and £3,758 11*s.* 7*d.* respectively have been placed at the disposal of the Chinese government on account of stores returned from these vessels.

My lords will be glad to be informed in what manner it is proposed that the proceeds of the sales of the Amoy and Kwangsoo will be placed to the credit of the imperial government.

I am, &c.,

(Signed) GEO. A. HAMILTON.

No. 60.

Earl Russell to Sir R. Alcock.

FOREIGN OFFICE, *February* 26, 1867.

SIR: You were informed by Lord Clarendon's dispatch of the 26th of May last, that steps were being taken to dispose of the ships of the late Anglo-Chinese squadron still remaining on hand, and that as soon [722] as the price realized by their sale had been *ascertained, an application would be made to Parliament for a grant of the balance required to make up the sum of £152,500, at which the flotilla had been valued.

I am happy to acquaint you that the two remaining ships have now been sold, and that a vote has been taken in the House of Commons which enables Her Majesty's government to make provision for the settlement of the whole claim of the Chinese government.

The sums which up to this date you have been instructed to pay to the Chinese government on account of the squadron are as follows:

February 9, 1866	£20,000
May 8, 1866	9,600
December 7, 1866	8,124
	38,224

Leaving a balance of £114,276 remaining due to them.

Of that sum, £11,250 has been realized by the sale of the Kwangsoo and Amoy, and the remainder having been provided by a Parliamentary grant, instructions will be sent by the lords commissioners of the treasury to their officer in charge of the treasury-chest at Hong-Kong, to hold the amount, £114,276, at your disposal; and I have to instruct you to make arrangements with that officer for the remittance of the money to you, and to pay it over to the Chinese government in such a manner as may be most agreeable to them.

The sum being a larger one than the ordinary resources of the treasury-chest at Hong-Kong would be sufficient to meet, the amount will, I understand, be sent out in bullion to Hong-Kong by the mail leaving Southampton on the 4th of March.

In making the payment to Prince Kung you will express to his imperial highness the regret of Her Majesty's government that the conclusion of this affair should have been so long delayed by circumstances beyond their control, and their hope that the settlement of it which has now been effected may prove satisfactory to the Chinese government.

I am, &c.

(Signed) RUSSELL.

[723]

*SUMTER.

CORRESPONDENCE BETWEEN THE AMERICAN AND DUTCH GOVERNMENTS.

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CORRESPONDENCE BETWEEN THE AMERICAN AND DUTCH GOVERNMENTS.

[*Printed from papers relating to foreign affairs, presented to Congress December*, 1861.]

No. 1.

Mr. Seward to Mr. Pike.

No. 15.] DEPARTMENT OF STATE,
Washington, August 15, 1861.

SIR: We learn, in a manner which obliges us to give unwilling credit, that the Sumter, an armed steamer well known throughout all the American seas to be a privateer fitted out for and actually engaged in depredations upon the commerce of the United States by some disloyal citizens, under the command of an officer named Semmes, on or about the 17th of July last, entered the port of Curaçoa and communicated directly with the local authorities of that island; that she was hospitably received there, and was permitted to take a large quantity of coals, (said to be 120 tons,) and also to take on board a large supply of provisions; that the privateer's crew was allowed entire freedom in the place; that when one of the crew had deserted, an order was given by the authorities of the port for his arrest; that the attempt for that purpose having proved unsuccessful, the same authorities pledged themselves that the arrest should be afterward effectually made, and that the deserter should be held in custody, to be surrendered to the pirate captain on his return homeward to the island.

You are instructed to bring this matter immediately to the notice of the government of the Netherlands. The subject of damages for so great a violation of the rights of the United States will be considered when we shall have properly verified the facts of the case. In the mean time you will ask the government of the Netherlands for any explanation of the transaction it may be able or see fit to give. You will further say that the United States, if the case thus stated shall prove to be correct, will expect, in view of the treaties existing between the two countries, and the principles of the law of nations, as well as upon the ground of assurances recently received from the governor of the Netherlands, that it will disown the action of its authorities at Curaçoa, and will adopt efficient means to prevent a recurrence of such proceedings hereafter. If of the case thus presented shall not be found entirely erroneous, or be very essentially modified, the United States will expect that the governor of the island of Curaçoa will be promptly made to

feel the severe displeasure of the government of the Netherlands, a country with which we have lived on terms of unbroken friendship for three-quarters of a century.

I am, &c.,

(Signed) WILLIAM H. SEWARD.

No. 2.

Mr. Pike to Mr Seward.

No. 14.] UNITED STATES LEGATION,
The Hague, August 28, 1861.

The mails of to-day bring intelligence from America that the privateer steamer Sumter, bearing the so-called confederate flag, has been permitted by the authorities at Curaçoa to enter and replenish her exhausted stock of fuel and supplies with which to renew her career of depredation upon the commerce of the United States.

[726] *I have instantly called the attention of this government to these reports, and have assured the minister of foreign affairs that, if they shall be borne out by the facts of the case, in view of the recent prompt and friendly action of the Dutch government in relation to privateering, they will be regarded by the Government and people of the United States with equal regret and surprise.

I think it will prove that the orders of the Dutch government to their colonial authorities to exclude privateers from their ports, which were issued about the middle of June, and of which I apprised you on the 16th of that month in my dispatch No. 4, have by some means failed to reach Curaçoa. The ships which were sent out were expected to rendezvous at Curaçoa and winter in those seas. But they may be delaying their visit to avoid the heats of summer. I hope to be able to afford you more detailed information by the next mail, which want of time prevents me from obtaining now in season for this.

I thought of suggesting the publication in our newspapers of the Dutch proclamations, copies of which I forwarded to you with the dispatch referred to, but I concluded the Department did not need my suggestions on that head.

* * * * * * *

No. 3.

Mr. Pike to Mr. Seward.

No. 15.] UNITED STATES LEGATION,
The Hague, September 4, 1861.

SIR: Since writing to you on the 28th ultimo in regard to my action on the strength of the public reports in respect to the steamer Sumter, I have received your dispatch (No. 15) under date of the 15th of August, and also its duplicate.

I immediately addressed a communication to this government presenting the substance of that dispatch. I have since had two interviews with Baron Van Zuylen, the minister of foreign affairs, on the

questions involved and likely to be involved in the case. Mr. Van Zuylen has informed me that his government has received a brief communication from the governor of Curaçoa, stating that the vessel in question put into the port of Curaçoa in distress, and was not a privateer.

In the course of our first interview Baron Van Zuylen dropped the remark that it was probable the vessel was regarded as a ship of war of the so-called Confederate States, but he subsequently seemed to desire to withdraw the suggestion.

I felt it to be my duty to protest against the idea that aid and countenance could be afforded by a friendly power to the Sumter, though she did assume the character of a ship of war of the insurgents. I claimed that were she afforded shelter and supplies on this ground by the authorities at Curaçoa, and should the Dutch government approve the act, it would be, substantially, a recognition of the southern confederacy, and that, in my judgment, such an act would be regarded by the United States as an unfriendly and even hostile act, which might lead to the gravest consequences. I held that nothing more need be asked by the so-styled Confederate States, as a practical measure of recognition, than that a ship like the Sumter, claiming to be a national vessel of those States, should be permitted to enter the neighboring ports of foreign nations, and there obtain the necessary means to enable her to depredate upon the commerce of the United States. That such a course on the part of any power, aggravated by the fact that she was unable to obtain such supplies at home, so far from being neutral conduct was really to afford the most efficient aid to the men who were in rebellion against their own Government, and plundering and destroying the vessels and property of their fellow-citizens on the high seas. I protested against such a doctrine as tending necessarily to the termination of all friendly relations between our Government and any government that would tolerate such practices, whether that government were France or England, or Spain or Holland. I remarked that it was not for me to judge of the purposes of European powers in regard to the existing state of things in the United States; but if there were to be exhibited a disposition anywhere to take advantage of our present situation, I believed it would be found that such a course could not be taken with impunity now, nor without leading to alienation and bitterness in the future.

Baron Van Zuylen hereupon explained that the earnest desire of his government was to maintain friendly relations with the United States, and to do nothing to interrupt the existing harmony between the two countries. That the point in question had not been considered by his government, and that the whole case should receive careful attention so soon as the facts relating to it could be ascertained. He has since sent me a note on the subject, which I inclose.

The baron stated to me that the governor of Curaçoa had received the instructions of the Dutch government, and the baron was of the opinion that the governor had paid too much attention to the letter, overlooking the spirit of the instructions; which remark I took to mean that, as the governor's instructions only ordered the exclusion of privateers and vessels not in distress, and that as the Sumter claimed to be a vessel of war, and to be in distress, the governor had sought to shield his action under this shallow and transparent device of the privateer, which could certainly deceive nobody who was not willing to be deceived.

I presume there is no danger of the Dutch government taking any position on this question in haste, as that is not their way. It is quite probable they will take time to send to Curçaoa for facts and particu-

lars. Meantime the British government seem likely to have to act on the same question, as I see the Sumter has been at Trinidad, which will afford them a precedent, for which I am the more sorry, as I learned enough while I was in England to satisfy me that that government was likely to indulge in loose practices in regard to vessels sailing under the confederate flag.

But there is nothing in the circumstances or disposition of this government, in my opinion, to induce them to exhibit unfriendliness to us or grant favors to the confederates, whatever there may
[727] *be on the part of some of their slaveholding governors, of whom I infer him of Curaçoa to be one. I expect, therefore, to find the authorities here pursue a course void of offense toward the United States, however others may act. I shall make it my endeavor to induce the minister of foreign affairs to have sent out at once such instructions to the West Indies as will prevent the Sumter, or her confederates, from making use of the Dutch ports in future, whatever their pretensions.

Since penning the foregoing, and at the last moment before being compelled to close for the mail, I have had a third interview with Baron Van Zuylen. He states that the instructions sent out in June were framed purposely different from those of France, and excluded all reference to vessels of war, solely because that course was deemed more favorable to the United States Government, which had ships of war and no privateers. You will remember that I called attention to this peculiarity at the time.

In answer to my inquiry whether he would not immediately adapt his instructions to cover such cases as that of the Sumter, information of which I was desirous to transmit by the next steamer, he replied that the subject was now under consideration in the colonial department. He insisted, however, that the Governor of Curaçoa declared the vessel was admitted on the ground of her being in distress, she having carried away one of her masts, and that before admitting her he convoked his council, who recommended the course he pursued.

I renewedly represented to Baron Van Zuylen the very grave character of this question and its vital importance to the commerce of the United States.

Since the government here must by this time fully understand that our Government is very much in earnest on this subject, I entertain the hope that they will hurry their deliberations to a favorable conclusion.

Allusion having been made on my part to the possible influence of slaveholding sympathies in this case, I was pleased to be informed by Baron Van Zuylen that the question of slavery had been finally determined in Holland, and that emancipation is to take place in all the Dutch colonies within two years.

I have, &c.,
(Signed) JAMES S. PIKE.

No. 4.

Baron Van Zuylen to Mr. Pike.

[Translation.]

THE HAGUE, *September* 2, 1861.

SIR: I have the honor to acknowledge the receipt of your communications of the 28th of August and of 2d of September.

I hastened to communicate these notes to the minister of the colonies, and I hope to be enabled at an early day, and so soon as the reports of the Governor of Curaçoa respecting the affair of the steamer Sumter shall be known to me, to give you a reply upon this subject.

Be pleased, &c.,

(Signed) DE ZUYLEN DE NIJEVELT.

No. 5.

Mr. Pike to Mr. Seward.

[Extract.]

No. 16.]

LEGATION OF THE UNITED STATES,
The Hague, September 11, 1861.

Subsequently to the interviews I had with the minister of foreign affairs, of which I spoke in my last, and after the transmission to you of my dispatch (No. 15) of the 4th instant, I addressed the following communication to Baron Van Zuylen:

"LEGATION OF THE UNITED STATES,
"*The Hague, September* 7, 1861.

"SIR: I do not understand this government to have yet distinctly conceded 'belligerent rights' to the self-styled Confederate States.

"In behalf of my Government I beg to say that I trust Holland will not take this position now, and open the questions to flow therefrom. By doing so, this Government may make an enemy of the United States, through the consequences growing out of that act. But Holland will not thereby make a friend of the rash and misguided men who lead the rebellion against the American Government. For their object is to perpetuate and extend African slavery. With this object Holland can have no sympathy. Your government has just now determined to abolish that remnant of barbarism in your colonial possessions.

"The slaveholders' rebellion cannot be successful. The United States has determined it shall not be, and that it will preserve the Union of the States at whatever cost.

"But even if we admit, for argument's sake, that some of the slaveholding States should be allowed hereafter to depart from the Union, still would the rebellion be unsuccessful in its objects, and hospitality shown to its progress be unavailing. The United States would be still resolute to defeat the purposes of the rebel slaveholder. They would do this by their own unaided efforts. They might readily co-operate with foreign powers to the same end. Such of those powers as hold possessions in America wherein slavery has been abolished, would join in this object from motives of justice and humanity, as well as from considerations of policy and consistency. Those who have colonies where the practice still prevails would gladly concur in self-de-
[728] fense. England having abolished slavery, *France having put it under her feet, the position of these two great maritime powers on this subject is fixed. The recent action of the French Emperor is conclusive as to the policy of that powerful monarchy. Spain, in her late trespass upon St. Domingo, has been constrained to formally stipulate that she will not re-introduce slavery in that island; Mexico and Central America will be only too eager to enter into stipulations that

shall save them from any attempted spoliation, and preserve the condition of freedom from slavery for all their inhabitants now and hereafter. A common civilization throughout the world will look with favor on a common union to crush the offensive purposes of the rebellious slaveholder. His success, therefore, is out of the question. Unless the world is to go backward, and history reverse its lessons, this rebellion in its leading purposes is foredoomed. Even governments cannot save that against which humanity revolts. Surrounded by communities on the north, on the south, on the west, that have expelled slavery; the islands of the Carribean sea nearly all emancipated from this pestilent system; the fabric of the rebellious slaveholder, which he is so madly ambitious to erect, were even its temporary establishment possible, would soon be washed away by the attrition of surrounding influence upon its crumbling foundations, and its remains left a ruin in the world.

"It is thus neither just nor politic, in any point of view, for the powers of Europe to do anything to encourage this abortive and criminal enterprise of the rebellious American slaveholder, for, though they should do ever so much, the effort will be none the less abortive, through the operation of forces that governments cannot control.

"The recognition of 'belligerent rights' to the party in question by England and France was a precipitate and unnecessary act. It was surely time enough to do this when the alternative presented an embarrassing situation.

"The Dutch govenment has been wiser. In continuing to occupy the position of refusing all countenance to the authors of such a hateful rebellion, the Netherlands will do an act which will be viewed with the liveliest satisfaction by the United States, and, I may be permitted to add, one worthy the tradition of this ancient and renowned State, and will set an example well worthy the respect and consideration of other nations.

"The undersigned," &c.

On the 9th instant I had an interview with Baron Van Zuylen, again urging him, in the most earnest manner, to issue such instructions to the Dutch authorities in the West Indies as would peremptorily exclude from their ports every species of craft set afloat by the secessionists.

Baron Van Zuylen appears, and I have no doubt is, very desirous to do all he possibly can, under what he deems the requirements of public law, to carry out the wishes of the United States in this matter. He does not consider that his government has recognized belligerent rights, and desires not to be pressed on that point. I told him we had no desire to press him to do anything, except to issue such instructions to his colonial governors as will effectually exclude the piratical vessels of the secessionists from making use of the Dutch ports.

He asked, then, if we would consent to have our own ships of war excluded. I told him, if that was necessary to relieve him from a dilemma, I did not know how far such an act might be tolerated for the sake of an advantage which we could procure in no other way. We might not find fault, if thereby we found our interests advanced. But, of course, I could not undertake to commit my government on the point. I remarked that exclusion would not operate to our disadvantage, inasmuch as we had command of the sea, while it would be fatal to the plunderers, as they had no retreat at home. He intimated that his government contemplated making the proposition to the United States. He also remarked that the course of our own Government threw impediments in their way; for while we regarded the secessionists as rebels,

we did not seem to treat them as such when taken prisoners, not even their privateers. I concluded the interview by renewedly urging every consideration I could adduce to induce him to issue the desired orders, and to lose no time in doing it.

He will soon make a written communication on the whole subject, which I will forward at the earliest moment after receiving it.

After my interview I addressed Baron Van Zuylen the following note:

UNITED STATES LEGATION,
The Hague, September 9, 1861.

SIR: Referring to our conversation of to-day, I beg to suggest that what appears to you a practical difficulty may, it seems to me, be properly overcome by your government issuing orders to its colonial authorities to regard all armed vessels bearing the so-called confederate flag as privateers. They are so in fact, and they should not be allowed to shield themselves under any other pretext. Unless a vessel claiming to be a ship of war exhibit some *prima facie* evidence of being such, in her size, and in her other external symbols and aspects, which these piratical crafts do not, the proper authorities may well claim the right to decline all investigation of the case, and assume her unlawful character.

The undersigned, &c.

No. 6.

Mr. Pike to Mr. Seward.

[Extract.]

[No. 17.]

UNITED STATES LEGATION,
The Hague, September 18, 1861.

The minister of foreign affairs has not yet furnished me with the promised communication on the Sumter case.

[729] *On the 12th instant I addressed him the following note:

SIR: Referring to my recent communication to you on the case of the Sumter, I beg to say, in order to avoid all possibility of cavil or misapprehension, that, in speaking of or alluding to the marauding vessels of the persons in rebellion against the United States Government as "privateers," I refer to them as such only in the sense of their own pretensions; the United States Government, as you are well aware, regarding them solely as piratical craft, and the persons engaged thereon as pirates.

I have, &c.

No. 7.

Mr. Pike to Mr. Seward.

[Extract.]

No. 18.]

UNITED STATES LEGATION,
The Hague, September 25, 1861.

I have the honor to inclose the communication from the Dutch government in reference to the Sumter case. Though dated the 17th, it did not make its appearance to me till the 20th.

You will perceive that the ground taken in regard to the harboring of the Sumter in the port of Curaçoa is, that it was the case of a vessel in distress.

This paper, however, goes beyond the case in hand, and argues the claim of the seceding States to be considered belligerents, and their

rights as such, besides going over the whole ground of the rights of neutrals.

Baron Van Zuylen makes out to his own satisfaction that the secessionists hold that position, and that this carries with it the right of hospitality, in neutral ports, to their ships of war.

To my suggestion in my note of the 9th, that the Sumter was in no just sense a ship of war, but a privateer, or, as our Government claims, a pirate, and that the want of the ordinary characteristics of a ship of war, besides the fact that she bore a strange flag of no recognized nationality, entitled us to ask of Holland, as a friendly nation, to assume her unlawful character. Mr. Van Zuylen opposes an argument to show that the Sumter was really a ship of war of the Confederate States, and that an impartial neutrality demanded that she be so treated. He finds his support of his position that this was the Sumter's real character in the declarations of her captain, and in the allegations of Harper's Weekly.

The minister of foreign affairs seems to admit the force of the argument I had previously urged, that it was inconsistent with all ideas of a just neutrality that these marauding vessels of the secessionists could be allowed to make free use of the neighboring ports of a power holding friendly relations with the United States for hostile purposes, and this, too, while deprived of all shelter or resource at home. And, in reply to my earnest request that he would cause to be issued to the Dutch colonial authorities in the West Indies orders against such use of their ports, Baron Van Zuylen de Nijevelt declares, under cover of his general principles, that orders shall be issued in the sense of forbidding the use of the Dutch ports as the base of operations against the United States commerce, or, as he phrases it, by either of the belligerents.

In regard to this part of Mr. Van Zuylen's communication, I will here observe that much will depend upon the character of these instructions, and not less upon the spirit in which they are executed. It is in the power of the Dutch government, and of its colonial authorities, to so act upon the basis of the rule laid down on this head, as to avoid further cause of complaint on the part of the United States, and to effectually prevent these sea-robbers from making use of the Dutch ports as a means of pursuing their ravages; and I have so expressed myself to Baron Van Zuylen, in the note of which I have the honor to annex a copy. I will add that I have confidence that such orders will be given.

* * * * * * *

The following is a copy of my note to Mr. Van Zuylen:

UNITED STATES LEGATION,
The Hague, September 23, 1861.

SIR: I have had the honor to receive your communication of the 17th instant, which will, in due time, receive that attention its importance merits.

Meantime I desire to observe that, as must have been obvious to you, I have hitherto contented myself with advancing general considerations appealing to the friendly dispositions of Holland, rather than in invoking the application of the strict rules of public law to the case under review.

The Dutch government exercises its undoubted right in overlooking such considerations, and in assuming the championship of a so-called neutrality, which insists upon treating a domestic disturbance as a war between equals.

For those who so desire, as I am sure Holland does not, it is easy to be persuaded of an incipient nationality in an insurrection, and to see a ship of war in every pirate that insults mankind with her depredations, or shocks it with her crimes.

I have great satisfaction in learning from his communication that Baron Van Zuylen recognizes the force of the considerations I have had the honor to present to him, touching the evident violation of a just neutrality which is involved in the free use of

the ports of the Netherlands by the cruisers of persons engaged in piratical depredations upon the commerce and shipping of the United States, and also in learning that the government of His Majesty has determined that it will not permit its ports to be made the base of operations against that commerce, and that instructions in this sense will be addressed to the governors of the Netherlands' colonial possessions.

It is in the power of the Dutch government, acting upon the rule it has thus
[730] laid down, to issue *such instructions to its colonial authorities as shall prevent further cause of complaint on the part of the United States, if those instructions shall be executed in good faith.

The United States Government will rely upon the action of Holland in this respect, and will still confidently look for such a course on the part of the Dutch government as will aid it in driving the instigators of rebellion and the plunderers of property upon the high seas from the haunts they infest, and in bringing them to condign punishment.

I have, &c.,
(Signed) JAMES S. PIKE.

To-day I have addressed Baron Van Zuylen the following note:

UNITED STATES LEGATION,
The Hague, September 25, 1861.

SIR: I shall to-day forward your communication of the 17th instant to my Government. I do it with reluctance, since its basis is found, as I have already remarked to you, in the assumption of the government of the Netherlands that the domestic disturbance in the United States is a war between equals.

It cannot be supposed that the United States will consent to debate the question of an abridgment of their sovereignty with Holland or any other nation.

The United States are one whole undivided nation, especially so far as foreign nations are concerned, and Holland is, by the law of nations and by treaties, not a neutral power between two imaginary parties there, but a friend of the United States. There is in the United States, as there has always been since the establishment of the Government, one political power, namely, the United States of America, competent to make war and peace, and conduct alliances and commerce with foreign nations. There is none other, either in fact or recognized by foreign nations. There is, indeed, an armed sedition seeking to overthrow the Government, and the Government is employing military and naval force to suppress it. But these facts do not constitute a war presenting two belligerent powers, and modifying the national character, rights, and responsibilities, or the character, rights, and responsibilities of foreign nations.

That Holland should take a different view of the case will, I am sure, be a subject of very deep regret to the United States.

The undersigned, &c.,
(Signed) JAMES S. PIKE.

No. 8.

Baron Van Zuylen to Mr. Pike.

[Translation.]

THE HAGUE, *September* 17, 1861.

SIR: The department of the colonies has just communicated to me the information, transmitted by the governor of Curaçoa, concerning the affair of the ship Sumter, and I hasten to bring to your notice the following observations, by way of sequence to the preliminary reply which I had the honor to address to you on the 2d of this month. According to the principles of the law of nations, all nations, without exception, may admit vessels of war belonging to a belligerent state to their ports, and accord to them all the favors which constitute an asylum. Conditions are imposed on said vessels during their stay in the port or roadstead. For example, they must keep perfect peace with all vessels that may be there; they may not augment their crews, nor the number of their guns, nor be on the look-out in the ports or roadsteads, for the

purpose of watching after hostile vessels arriving or departing, &c. Besides, every state has the right to interdict foreign vessels of war from entrance to ports which are purely military. Thus it was that Sweden and Denmark, in 1854, at the time of the Crimean war, reserved the right to exclude vessels of war from such or such ports of their dominions.

The neutral power has also the right to act like France, who, by her declaration of neutrality in the war between the United States and the Confederate States, under date of 9th June last, (Moniteur of 11th June,) does not permit any vessel of war or privateer of one or other of the belligerents to enter and remain with their prizes in French ports longer than twenty-four hours, unless in case of refuge under stress.

In the proclamation of the month of June last, which was communicated to you with my dispatch of the 13th, the government of the Netherlands has not excluded vessels of war from her ports.

As to privateers, the greatest number of maritime nations allows them the privilege of asylum upon the same conditions nearly as to vessels of war.

According to a highly-esteemed author on the law of nations, (Hautefeuille, "Droits et Devoirs des Nations Neutres," i, page 139,) privateers may claim entrance into the ports of nations which have consented to accord asylum to them, not only in cases of pressing dangers, but even in cases in which they may deem it advantageous, or even only agreeable, and for obtaining rest or articles of secondary necessity, such as the refreshments they may have need of.

The terms of the proclamation of the Netherlands government, which admits privateers into the Netherlands ports only in cases of distress, harmonizes with this doctrine.

Moreover, according to the information received from the governor of Curaçoa, the Sumter was actually in distress, and that functionary could not, therefore, refuse to allow the said vessel to enter the port.

Strong in its amicable intentions, the King's government does not believe itself bound to confine itself to the defense of the conduct of one of its agents in the particular case under discussion. It is not ignorant that it can or may hereafter be a contested question in such cases as to the reality of the distress in which such vessel or other would be, and that thus the subject of the admission generally of
[731] *the Confederate States vessels would rest untouched. I therefore, sir, think it opportune to look into the question to determine whether the Sumter should have been admitted at Curaçoa, outside of the condition of well-assured distress.

It evident that the reply to be made is dependent on another question—that is to say, was this vessel a man-of-war or a privateer?

In the latter case the Netherlands government could not, except in case of a putting-in compelled by distress, ("relâche forcée,") admit the Sumter into the ports of its territorities.

It is not sufficient to dispose of the difficulty by the declaration that the Sumter is, as is stated in your dispatches, "a vessel fitted out for, and actually engaged in, piratical expeditions," or "a privateer steamer." Such an assertion should be clearly proved, in accordance with the rule of law, "*affirmanti incumbit probatio.*"

After having poised, with all the attention which comports with the weightiness of the matter, the facts and circumstances which characterize the dissensions which are now laying desolate the United States, and of which no government more desires the prompt termination than does that of the Netherlands, I think I may express the conviction that

the Sumter is not a privateer, but a man-of-war—grounding myself on the following considerations:

In the first place, the declaration of the commander of the vessel, given in writing to the governor of Curaçoa, who had made known that he would not allow a privateer to come into the port, and had then demanded explanations as to the character of the vessel. This declaration purported "the Sumter is a ship of war, duly commissioned by the government of the Confederate States."

The Netherlands governor had to be contented with the word of the commander couched in writing. M. Ortolan, ("Diplomatie de la Mer," i, p. 217,) in speaking of the evidence of nationality of vessels of war, thus expresses himself:

"The flag and the pennant are visible indications, but we are not bound to give faith to them until they are sustained by a cannon shot."

The attestation of the commander may be exigible, but other proofs must be presumed; and, whether on the high seas or elsewhere, no foreign power has the right to obtain the exhibition of them.

Therefore, the colonial council has unanimously concluded that the word of the commanding officer was sufficient.

In the second place, the vessel armed for war by private persons is called "privateer." The character of such vessel is settled precisely, and, like her English name, (privateer,) indicates sufficiently under this circumstance that she is a private armed vessel—name which Mr. Wheaton gives them. ("Elements of International Law," ii, p. 19.)

Privateering is the maritime warfare which privateers are authorized to make, for their own account, against merchant-vessels of the enemy by virtue of letters of marque, which are issued to them by the state.

The Sumter is not a private vessel; is not the private property of unconnected individuals, of private ship-owners. She therefore cannot be a privateer; she can only be a ship of war or ship of the state armed for cruising. Thus the Sumter is designated in the extract annexed from Harper's Weekly, under the name of "rebel ship of war."

Thirdly. It cannot be held, as you propose in your dispatch of the 9th of this month, that all vessels carrying the confederate flag are, without distinction, to be considered as privateers, because the principles of the law of nations, as well as the examples of history, require that the rights of war be accorded to those states.

The Government of the United States holds that it should consider the States of the South as rebels.

It does not pertain to the King's government to pronounce upon the subject of a question which is entirely within the domain of the internal regulation of the United States; neither has it to inquire whether, in virtue of the Constitution which rules that Republic, the States of the South can separate from the central Government, and whether they ought then, ay or no, to be reputed as rebels during the first period of the difficulties.

But I deem it my duty to observe to you, sir, that, according to the doctrines of the best publicists, such as Vattel, iii, c. 18, § 292, and M. de Reyneval, "Droit de la Nation et des Gens," i, p. 161, there is a notable difference between rebellion and civil war. "When," says Vattel, "a party is formed in the state, which no longer obeys its sovereign, and is strong enough to make head against him, or in a republic, when the nation divides into two opposing parties, and on one side and the other take up arms, then it is civil war." It is, therefore, the latter which now agitates the great American Republic.

But, in this case, the rights of war must be accorded to the two parties.

Let me be allowed to cite here only two passages, the one from Vattel (ii, c. 4, § 56) which reads: "Whenever affairs reach to civil war, the ties of political association are broken, or at least suspended, between the sovereign and his people. They may be considered as two distinct powers; and, since one and the other are independent of any foreign authority, no one has the right to judge between them. Each of them may be right. It follows, then, that the two parties may act as having equal right." The other passage is taken from the work of a former minister, himself belonging to the United States, Mr. Wheaton, who, in his "Elements of International Law," c. i, p. 35, (Am. ed., part 1, p. 32,) thus expresses himself: "If the foreign state would observe absolute neutrality in the face of dissensions which disturb another state, it must accord to both belligerent parties all the rights which war accords to public enemies, such as the right of blockade, and the right of intercepting merchandise contraband of war."

As for historic evidence, it will suffice to call to mind from ancient times the struggle of the United Provinces with Spain, and, from modern date, the war between the Hispano-American colonies and the mother country since 1810, the war of independence of Greece from Turkey since 1821, &c.

[732] *It will doubtless be useless to recollect, on this occasion, that the principle to see only insurgents in the States of the South, having neither sovereignty nor rights of war, nor of peace, was put forward by England at the breaking out of the war of independence of the Anglo-American colonies, in the vindicatory memoir published by the British court, in 1778, in answer to the exposition of the motives for the conduct of France, which had lately signed, on the 6th of February of that year, a treaty with the United States, in which they were regarded as an independent nation.

But the court of Versailles set out from other principles, which she developed in "Observations on the Vindicatory Memoir of the Court of London," saying, among other things: "It is sufficient to a justification of His Majesty that the colonies had established their independence not merely by a solemn declaration, but also in fact, and had maintained it against the efforts of the mother country."

Existing circumstances seem to present the same characteristics; and if it is desired to treat the States of the South as rebels, and accuse them of felony, there might here be cited as applicable to the actual conduct of the United States toward the confederates the following remark of the court of Versailles: "In advancing this proposition, [that the possession of independence, of which the French cabinet said the Americans were in the enjoyment in 1778, was a veritable felony,] the English minister had, without doubt, forgotten the course he had himself taken toward the Americans from the publication of the declaration of independence. It is remembered that the creatures of the court constantly called upon the rebellion vengeance and destruction. However, notwithstanding all their clamors, the English minister abstained, after the declaration of independence, from prosecuting the Americans as rebels; he observed, and still observes toward them, the rules of war usual among independent nations. American prisoners have been exchanged through cartels," &c.

The rights of war cannot, then, in the opinion of the King's government, be refused to the Confederate States; but I hasten to add that

the recognition of these rights does not import in favor of such States recognition of their sovereignty.

"Foreign nations," says M. Martens, ("Précis du Droit des Gens," 1, viii, c. 3 § 264,) "cannot refuse to consider as lawful enemies those who are empowered by their actual government, whatever that may be. This is not recognition of its legitimacy."

This last recognition can only spring from express and official declaration, which no one of the cabinets of Europe has thus far made.

Finally, and in the last place, I permit myself here to cite the example of the American privateer, Paul Jones.

This vessel, considered as a pirate by England, had captured two of His Britannic Majesty's ships in October, 1779. She took them into the Texel, and remained there more than two months, notwithstanding the representations of Mr. York, embassador of Great Britain at the Hague, who considered the asylum accorded to such privateer, (pirate, as he called it in his memoir to the States-General, of 21st March, 1780,) as directly contrary to treaties, and even to the ordinances of the government of the republic.

Mr. York demanded that the English vessels should be released.

The States-General refused the restitution of the prizes.

The United States, whose belligerent rights were not recognized by England, enjoyed at that period the same treatment in the ports of the republic of the United Provinces as the Netherland authorities have now accorded to the Confederate States.

If the cabinet of the Hague cannot, therefore, by force of the preceding, class all the vessels of the Confederate States armed for war in the category of privateers, much less can it treat them as pirates, (as you call them in your dispatch of the 12th of this month,) or consider the Sumter as engaged in a filibustering expedition—"engaged in a piratical expedition against the commerce of the United States," as it reads in your communication of the 2d of September.

Here, again, historic antecedents militate in favor of the opinion of the Netherlands government.

Is there need, in fact, to remind you that at the outset of the war of American independence, in 1778, the English refused to recognize American privateers as lawful enemies, under pretense that the letters of marque which they bore did not emanate from the sovereign but from revolted subjects?

But Great Britain soon had to desist from this pretension, and to accord international treatment to the colonists in arms against the mother country.

The frankness with which the King's government has expressed its convictions in relation to the course to be taken toward the States of the South will, without doubt, be estimated at its just value by the Government of the United States.

It will perceive therein the well-settled intention to preserve in safety the rights of neutrality; to lay down for itself, and to follow, a line of conduct equally distant from feebleness as from too great adventurousness, but suitable for maintaining intact the dignity of the state.

The government of the Netherlands desires to observe, on the occasion of existing affairs in America, a perfect and absolute neutrality, and to abstain, therefore, from the slightest act of partiality.

According to Hubner, ("Saisie de Bâtiments Neutres,") "neutrality consists in absolute inaction relative to war, and in exact and perfect impartiality manifested by facts in regard to the belligerents, as

far as this impartiality has relation to the war, and to the direct and immediate measures for its prosecution."

"Neutrality," says Azuni, ("Droits Maritimes,") "is the continuation in a state of peace of a power which, when war is kindled between two or more nations, absolutely abstains from taking any part in the contest."

But if the proposition be admitted that all the vessels of the Confederate States armed for war should be considered *prima facie* as privateers, would there not be a flagrant inequality between the treatment and the favors accorded to vessels of war of the United States and the vessels of the Confederate States, which have not for the moment a navy, properly so called?

This evidently would be giving proof of partiality incompat-
[733] ible with real duties of neutrality. * The only question is to determine with exactitude the distinctive characteristics between a privateer and a ship of war, although this may be difficult of execution. Thus is ignored that which Count Reventlow, envoy of the King of Denmark at Madrid, drew attention to in 1782, that there exists among the maritime powers regulations or conventions between sovereigns which oblige them to equip their vessels in a certain manner, that they may be held veritably armed for war.

You express also, in your dispatch of September 2, the hope that the Netherlands government will do justice to your reclamation, grounding yourself on the tenor of treaties existing between the Netherlands and the United States, on the principles of the law of nations, and, finally, upon the assurances you have received from the King's government.

Amid all the European powers there are few who have better defended the rights of neutrals, and have suffered more in this noble cause, than Denmark; and one of her greatest statesmen of the close of the last century, Count Bernstorff, has been able to declare with justice, in his memoir of July 28, 1793, a document that will long continue to be celebrated: "A neutral power fulfills all its duties by never departing from the most strict impartiality, nor from the avowed meaning of its treaties."

I have endeavored, sir, to show, in what precedes, that the government of the Netherlands has fulfilled conscientiously its first duty and will adhere faithfully thereto.

The cabinet of the Hague does not observe, and will not observe, less religiously the tenor of treaties.

The treaty of the 19th January, 1839, and the additional convention of the 26th of August, 1852, only relate to commerce and navigation. The only treaties that can be invoked in the present case are those of the 8th of October, 1782.

I do not think it my duty to enter here upon a discussion of principles on the question of deciding whether these treaties can still be considered as actually in force, and I will not take advantage of the circumstance that the Cabinet at Washington has implicitly recognized, by the very reclamation which is the object of your dispatches, that the treaties of 1782 cannot any longer be invoked as the basis of international relations between the Netherlands and the United States.

I will only take the liberty of observing to you, sir, that the execution of the stipulations included in those diplomatic acts would be far, in the present circumstances, from being favorable to the Government of the Republic.

In fact, we should, in this case, admit to our ports privateers with

their prizes, which could even be sold there by virtue of Article V of the before-cited convention of 1782, on Rescues.

It would, perhaps, be objected that the treaty of 1782, having been concluded with the United States of America, could not be invoked by a part of the Union which had seceded from the central Government; and I do not dissent from the opinion that this thorny question of public law would give rise, should the case occur, to very serious difficulties.

But we cannot lose sight of the fact that the treaty spoken of was concluded, even before the recognition of the United States by England, in 1783, with the oldest members of the Republic, among others, to wit, with Virginia, North Carolina, South Carolina, and Georgia, and that those States actually figure among the secessionists.

In 1782 the Republic of North America was only a simple confederation of States remaining sovereign, united only for common defense, (Staatenbund,) and it is only since the establishment of the Constitution of the 17th of September, 1787, that the pact which binds the United States received the character which is attributed to it by Mr. Wheaton, also (Elements of International Law) of a perfect union between all the members as one people under one government, federal and supreme, (Bundestaat,) "a commonwealth," according to Mr. Motley in his pamphlet, "Causes of the Civil War in America," p. 71.

In view of this fundamental difference between the present character of the Government of the United States and that of the party contracting the treaty of 1782, it would be difficult to refuse in equity the privilege of the secessionist States to avail themselves of it.

It will, therefore, not escape your penetration that it is preferable, as well for the Netherlands as for the Cabinet of Washington, to leave the treaty above-mentioned at rest, and that, in excluding privateers from its ports, the government of the Netherlands has acted only in the interests of the Government of the United States, to which it is bound by feelings of a friendship which dates even from the time of the existence of the Republic of the United Provinces, and which the King's government will make every effort to maintain and consolidate more and more.

According to the law of nations, the cases in which the neutrality of a power is more advantageous to one party than to the other do not affect or impair it. It suffices that the neutrality be perfect and strictly observed. The government of the Netherlands has not departed from it, therefore, in denying admission to the ports of His Majesty's territories to privateers, although at first glance this determination is unfavorable to the Southern States.

The difficulties which have actually arisen, and which may be renewed hereafter, the desire to avoid as much as possible everything that could compromise the good understanding between the governments of the United States and the Netherlands, impose on the last the obligation to examine with scrupulous attention if the maintenance of the general principles which I have had the honor to develop might not, in some particular cases, impair the attitude of neutrality which the cabinet of the Hague desires to observe. If, for example, we had room to believe that the Sumter, or any other vessel of one of the two belligerent parties, sought to make of Curaçoa, or any other port in His Majesty's dominions, the base of operations against the commerce of the adverse party, the government of the Netherlands would be the first to perceive that such acts would be a real infraction, not merely of the neutrality we wish to observe, but also of the right of sovereignty over the territorial seas of the state, the duty of a neutral state being to take care that vessels of the belligerent parties commit no acts of hostility within the

limits of its territory, and do not keep watch in the ports of its dominion to course from them after vessels of the adverse party.

[734] *Instructions on this point will be addressed to the governors of the Netherlands' colonial possessions.

I flatter myself that the preceding explanations will suffice to convince the Federal Government of the unchangeable desire of that of the Netherlands to maintain a strict neutrality, and will cause the disappearance of the slightest trace of misunderstanding between the cabinets of the Hague and of Washington.

Accept, &c.,

(Signed) DE ZUYLEN DE NIJVELT.

No. 9.

Mr. Seward to Mr. Pike.

No. 23.] DEPARTMENT OF STATE,
Washington, September 28, 1861.

SIR: By some accident our foreign mail missed the steamer. It is only just now that I have received your dispatch of September 4. The proceeding at Curaçoa, in regard to the Sumter, was so extraordinary and so entirely contrary to what this Government had expected from that of Holland, that I lose no time in instructing you to urge the consideration of the subject with as much earnestness as possible. I cannot believe that that government will hesitate to disavow the conduct of the authorities, if they have been correctly reported to this Department.

I am, &c.,

(Signed) WILLIAM H. SEWARD.

No. 10.

Mr. Seward to Mr. Pike.

No. 24.] DEPARTMENT OF STATE,
Washington, October 4, 1861.

SIR: I am just now informed, by a dispatch from Henry Sawyer, esq., our consul at Paramaribo, that on the 19th day of August last the piratical steamer Sumter entered that port, and was allowed by the authorities there to approach the town, and to purchase and receive coals, to stay during her pleasure, and to retire unmolested, all of which was done in opposition to the remonstrances of the consul.

You will lose no time in soliciting the attention of His Majesty's government to this violation of the rights of the United States. They will be well aware that it is the second instance of the same kind that has occurred in regard to the same vessel in Dutch colonies in the West Indies.

It is some relief of the sense of injury which we feel that we do not certainly know that the authorities who have permitted these wrongs had received instructions from their home government in regard to the rights of the United States in the present emergency. We therefore hope for satisfactory explanations; but in any case, you will inform that

government that the United States will expect them to visit those authorities with a censure so unreserved as will prevent the repetition of such injuries hereafter. An early resolution of the subject is imperatively necessary, in order that this Government may determine what is required for the protection of its natural rights in the Dutch-American forts.

I am, &c.,
(Signed) WILLIAM H. SEWARD.

No. 11.

Mr. Pike to Mr. Seward.

No. 20.] UNITED STATES LEGATION,
The Hague, October 9, 1861.

SIR: Since my last, under date of October 2, I have received a letter from the United States consul at Paramaribo, of which the following is a copy:

UNITED STATES CONSULATE,
Port of Paramaribo, September 4, 1861.

SIR: I have the honor (but with chagrin) to inform you that the rebel steamer Sumter arrived at this port on the 19th of August, and left on the 31st, having been allowed to coal and refit. I used my best endeavors to prevent it without avail.

I am, &c.,
(Signed) HENRY SAWYER.

Immediately on receipt of it, I addressed the following note to the minister of foreign affairs:

THE HAGUE, *October* 9, 1861.

SIR: I have just received a communication from the American consul at Paramaribo, under date of the 4th of September last, which I lose no time in laying before your excellency.

The consul states. [See above.]

[735] *The reappearance of the Sumter in a port of the Netherlands, after so brief an interval, seems to disclose a deliberate purpose on the part of the persons engaged in the rebellion against the United States Government to practice upon the presumed indifference, the expected favor, or the fancied weakness of the Dutch government.

During a period of forty-six days, during which we have heard of this piratical vessel in the West Indies, it would appear that she has been twice entertained and supplied at Dutch ports, and spent eighteen days under their shelter.

This can be no accidental circumstance.

In the multitude of harbors with which the West India seas abound, the Sumter has no occasion to confine her visits so entirely to the ports of one nation, especially one so scantily supplied with them as Holland. And the fact that she does so is, in my judgment, not fairly susceptible of any other interpretation than the one I have given.

I feel convinced that the government of the Netherlands will see in this repeated visit of the Sumter (this time, it appears, without any pretext) a distinct violation of its neutrality, according to its own views, as laid down in your excellency's communication to me of the 17th of September last, and a case which will call for the energetic assertion of its purpose expressed in the paper referred to, namely, not to allow its ports to be made the base of hostile operations against the United States. For that the Sumter is clearly making such use of the Dutch ports would seem to admit of no controversy.

In view of the existing state of the correspondence between the United States and the Netherlands on the general subject to which this case belongs, and of the questions and relations involved therein, I shall be excused for the brevity of this communication upon a topic of so much importance, and so provocative of comment.

The undersigned, &c.

I called to-day upon Baron Van Zuylen, but he was absent, and I shall

not, therefore, be able to see him again before the close of the mail which takes this. And I do not know that an interview would, in any way, affect the existing state of things, or give me any new information. This government's intentions are good, and it desires to avoid all difficulty with the United States and with everybody else.

As I stated in my dispatch of the 25th September, I have confidence that orders have been given that will impede the operations of these vessels in Dutch ports hereafter, and probably drive them elsewhere.

I have, &c.,
(Signed) JAMES S. PIKE.

No. 12.

Mr. Seward to Mr. Pike.

No. 25.] DEPARTMENT OF STATE,
Washington, October 10, 1861.

SIR: Your dispatch of September 18 (No. 17) has been received.

The delay of the government of the Netherlands in disposing of the unpleasant questions which have arisen concerning the American pirates in the colonies of that country, is a subject of deep concern, and you are instructed, if you find it necessary, to use such urgency as may be effectual to obtain the definitive decision of that government thereon so early that it may be considered by the President before the meeting of Congress in December next.

I am, &c.,
(Signed) WILLIAM H. SEWARD.

No. 13.

Mr. Pike to Mr. Seward.

[Extracts.]

No. 22.] UNITED STATES LEGATION,
The Hague, October 12, 1861.

SIR: After reflection upon the reappearance of the Sumter, and her prolonged stay in the port of Paramaribo, this time apparently without pretext of any kind, I have felt, in view of the position taken by the Dutch government in their communication to me of the 17th of September, that we were entitled to be specially informed of the precise interpretation which this government puts upon their general declaration in the communication referred to, namely, that it will not permit its ports to be made the base of hostile operations against the United States commerce.

I have accordingly made the direct inquiry of Baron Van Zuylen, without waiting to hear what you have to say in response to that communication. In reply to my inquiry, Baron Van Zuylen has informed me that, previous to his receiving information of the appearance of the Sumter at Paramaribo, orders were issued by the department of the colonies, instructing the colonial authorities not to permit the repetition of the visits of the Sumter, and other vessels of the so-called Confed-

erate States; and if they did make their appearance in Dutch ports, to require them to leave within twenty-four hours, under penalty of being held to occupy a hostile attitude toward the government of the Netherlands. And further, that those authorities have also been instructed to forbid the furnishing such vessels with more than twenty-four
[736] hours' supply of fuel. These instructions, thus defined, are *to the point. Whether they have been made general, and with that disregard of distinctions between the rights of mere belligerents and those of recognized nationalities, enjoying pacific relations and acting under treaties of amity and friendship, that mark the communication to which I have adverted, I did not deem it pertinent to inquire, nor do I consider the inquiry of any value as regards the practical bearings of this case.

In compliance with my request, Baron Van Zuylen has promised to furnish me with a copy of the order referred to, which, when received, I shall transmit to you without delay.

Although this order, as thus described to me by Mr. Van Zuylen, only sustains the expectations I have expressed to you on two former occasions as to what the action of this government would be, yet, considering the present attitude of the question, it is a matter of some surprise to me that a copy of it should not have been tendered without waiting to have it asked for.

* * * * * * *

Taking it to be as herein described, I do not see that the position of this government, so far as its action is concerned, is amenable to very grave censure, whatever may be said of its theoretic views, since the Dutch ports are now, substantially, shut to the vessels. The restriction in regard to supplying fuel, if adopted by other powers holding colonies in the West Indies, will put an end to rebel operations by steam in those seas.

I take some gratification in reflecting that my persistent appeals to the government to issue specific orders, on some ground, to their colonial authorities, looking to the exclusion of the practical vessels of the seceding States from the Dutch ports, have not been wholly unavailing. That the government has argued against it, and declined acting on any suggestion I could make, is of small consequence, so long as they have found out a way of their own of doing the thing that was needed.

Baron Van Zuylen has renewedly expressed great regret that any questions should have arisen between the two governments.

No. 14.

Mr. Pike to Mr. Seward.

No. 23.] UNITED STATES LEGATION,
The Hague, October 16, 1861.

SIR: I have the honor to inclose you the reply of the minister of foreign affairs to the communication I addressed to him on the 8th instant, in regard to the reappearance of the Sumter at Paramaribo. He states therein the character of the orders which have been sent to the colonial authorities, to which I referred in my last dispatch of October 12, (No. 22.)

The British minister here, Sir Andrew Buchanan, expressed incredu-

lity and surprise when I informed him this government had issued the order in question. He declared the British government would not do it, and that the United States would not under similar circumstances. He said it was giving us an advantage, and was not, therefore, neutral conduct. He added, that Russia asked Sweden to close her ports against both belligerents during the Crimean war, and England would not permit it, alleging that, as Russia did not want to use them, and England did, it gave the former an advantage to which that power was not entitled. The British government held that Sweden, as a neutral, had no right to alter the natural situation unless it operated equally.

You see herein how thoroughly English officials (and it seems to me all others) are imbued with the idea that the rights of a mere belligerent are the same as the rights of a nation, in cases like the one under consideration.

I have received to-day a letter from our consul at Paramaribo, dated September 20, in which he says the United States steamer Powhatan arrived there on the 14th in search of the Sumter, and left for Brazil the same day; also that the Keystone State arrived on the 18th on the same errand, and left on the 19th for the West India Islands.

Your dispatch of the 28th of September, acknowledging receipt of mine of the 4th, has arrived. As you make no mention of mine of the 11th, it would seem another mail has missed. I wrote our dispatch agent, at London, on the subject several days ago.

He replies that my dispatch of the 4th of September went on the 7th, and that of the 11th on the 14th, which was in regular order.

I have, &c.,

(Signed) JAMES S. PIKE.

[Inclosure in No. 14.]

Baron Van Zuylen to Mr. Pike.

[Translation.]

THE HAGUE, *October* 15, 1861.

SIR: By your dispatch of the 8th of this month you have fixed my attention on the arrival of the Sumter at Paramaribo, and you complain that on this occasion the said vessel was admitted into ports of the Netherlands during eighteen days out of the forty-six in which the Sumter had shown herself in the West Indian Seas.

You suppose that this is not a fortuitous case, and you demand that the government of the Netherlands, in accordance with the intentions mentioned at the close of my communication of the 17th September last, may not permit its ports to serve as stations or as base of hostile operations against the United States.

[737] * You have not deemed it your duty to enter for the moment on the discussion of the arguments contained in my above-mentioned communication, but you say that you wish to await preliminarily the reply of the Cabinet at Washington.

I may, therefore, on my part, confine myself for the moment to referring as to what regards the admission in general of the Sumter into the ports of the Netherlands, and the character of this vessel, to the arguments contained in my communication of the 17th September, from which it follows, that if we do not choose to consider *prima facie* all the ships of the seceding States as privateers, and if, in the present case, the Sumter could not be, in the opinion of the government of the Netherlands, comprised among such, entrance to the ports of the Netherlands cannot be prohibited to that vessel without a departure from neutrality, and from the express terms of the proclamation of the royal government.

It has already been observed that the latter, in forbidding access to the ports of the Netherlands to privateers, favors the United States much more, among others, than the declaration of the 10th of June, by the French government, which, not permitting any vessel of war or privateer of the one or the other of the belligerents to sojourn with prizes in the ports of the empire for longer time than twenty-four hours, except in case of shelter through stress, (*relâche forcée,*) admits them without distinction when they do not bring prizes with them. But, without entering here into useless developments, I think I may observe to you, sir, that the royal government, while refusing to treat as pirates, or even to consider as privateers, all the vessels of the Southern States,

has striven as much as the duties of strict neutrality permit, to keep the Sumter away from our ports. When this vessel arrived at Paramaribo the commanders of two ships of the French imperial marine, which were there at the time, declared to the governor of Surinam that the Sumter was a regular vessel of war, and not a privateer. The commander of the Sumter exhibited afterward, to the same functionary, his commission as commandant in a regular navy.

Although there was no reason, under such circumstances, to refuse to the Sumter the enjoyment of the law of hospitality in all its extent, the governor before referred to strove to limit it as much as possible. Thus, although pit-coal is not reputed contraband, if not at most, and within a recent time only, contraband by accident, it was not supplied to the Sumter, except in the very restricted quantity of 125 tons, at the most sufficient for four days' progress.

However, the government of the Netherlands, wishing to give a fresh proof of its desire [to avoid] all that could give the slightest subject for complaint to the United States, has just sent instructions to the colonial authorities, enjoining them not to admit, except in case of shelter from stress, (*relâche forcée,*) the vessels of war and privateers of the two belligerent parties, unless for twice twenty-four hours, and not to permit them, when they are steamers, to provide themselves with a quantity of coal more than sufficient for a run of twenty-four hours.

It is needless to add that the cabinet of the Hague will not depart from the principles mentioned at the close of my reply of the 17th September, of which you demand the application; it does know, and will know, how to act in conformity with the obligations of impartiality and neutrality, without losing sight of the care for its own dignity.

Called by the confidence of the King to maintain that dignity, to defend the rights of the Crown, and to direct the relations of the state with foreign powers, I know not how to conceal from you, sir, that certain expressions in your communications above mentioned, of the 23d and 25th of September last, have caused an unpleasant impression on the King's government, and do not appear to me to correspond with the manner in which I have striven to treat the question now under discussion, or with the desire which actuates the government of the Netherlands to seek for a solution perfectly in harmony with its sentiment of friendship toward the United States, and with the observance of treaties.

The feeling of distrust which seems to have dictated your last dispatch of the 8th of this month, and which shows itself especially in some entirely erroneous appreciations of the conduct of the government of the Netherlands, gives to the last, strong in its good faith and in its friendly intentions, just cause for astonishment. So, then, the cabinet of which I have the honor to form part, deems that it may dispense with undertaking a justification unless to all who examine impartially, and without passion, the events which have taken place.

The news which has reached me from the royal legations at London and at Washington, relative to the conduct of the British government in the affair of the Sumter, can only corroborate the views developed in my reply of 17th September last, and in the present communication.

It results from this, in effect, that not only has the British government treated the Sumter exactly as was done at Curaçoa, since that vessel sojourned six or seven days at the island of Trinidad, where she was received amicably and considered as a vessel of war, but that the crown-lawyers of England, having been consulted on the matter, have unanimously declared that the conduct of the governor of that colony of England had been in all points in conformity with the Queen's proclamation of neutrality.

According to them the Sumter was not a privateer, but a regular vessel of war (duly commissioned) belonging to a state possessing the rights of war, (belligerent rights.)

The Sumter, then, has been treated as a vessel of war of the United States would have been, and that vessel had the same right to obtain supplies at Trinidad as any vessel belonging to the Navy of the Northern States.

Accept, &c.,

(Signed) DE ZUYLEN DE NIJEVELT.

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[738] *No. 15.

Mr. Seward to Mr. Pike.

No. 26.] DEPARTMENT OF STATE,
Washington, October 17, 1861.

SIR: Your dispatch of the 25th of September, No. 18, has been re-

ceived. It was accompanied by a note which was addressed to you by Baron Van Zuylen on the 17th day of September last, on the subject of the admission of the pirate steamer Sumter into the port of Curaçoa.

I reproduce the account of that transaction, which was made by this Government a subject of complaint to the government of the Netherlands. The steamer Sumter hove in sight of the port of Curaçoa on the evening of the 17th of July, and fired a gun for the pilot, who immediately took to sea. On his reaching the pirate vessel, she hoisted what is called the confederate flag, and the same being unknown in that port the pilot told the captain that he had to report to the governor before taking the vessel into port. The pilot having made this report the governor replied to the captain that, according to orders from the supreme government, he could not admit privateers into the port, nor their prizes, but in the case of distress, and therefore the steamer could not be admitted before her character was perfectly known.

In reply to this message the captain of the steamer remained outside of the port until the next morning, when he sent a dispatch to the governor by an officer, stating that his vessel being a duly commissioned man-of war of the Confederate States, he desired to enter the port for a few days. The colonial court assembled the same evening, and, on the ground of the declaration and assurance of the privateer captain, that the vessel is not a privateer, it was decided that he should enter the port, and she entered accordingly.

The consul of the United States thereupon informed the governor, by a note, that the steamer was, by the laws and express declaration of the United States, a pirate, and that on her way from New Orleans to Curaçoa she had taken and sent for sale to the Spanish island of Cuba several American merchant-vessels, and on these grounds he asked upon what pretext and conditions the unlawful steamer had obtained admittance into Curaçoa.

The governor answered that, according to the orders received from the supreme government, neither privateers nor their prizes are to be allowed admittance to the ports or bays of this colony, save only in cases of distress; but that this prohibition does not extend to vessels of war, and that the Sumter being a man-of-war, according to the rules of nations, could not be repelled from that port.

The piratical vessel was then supplied, at Curaçoa, with 120 tons of coals, and departed at her own time and pleasure. On receiving this information you were instructed to call the attention of the government of the Netherlands to the proceeding of the governor of Curaçoa, and to ask that the proceedings, if correctly reported, might be disavowed, and that the governor might be made to feel the displeasure of his government.

You performed this duty in due season by addressing a proper note to Baron Van Zuylen. On the 2d of September he acknowledged your note, and promised you an early reply on the merits of the subject.

On the 17th of September he communicated this reply to you in the note which is now before me.

I encounter a difficulty in giving you instructions for your reply to that paper, because, first, since the correspondence was opened, a similar case of violation of our national rights has occurred in the hospitalities extended to the same piratical vessel in the Dutch port of Pernambuco, and has been made a subject of similar complaint, which, as yet, so far as I am advised, remains unanswered; and, secondly, the note of Baron Van Zuylen promises that special instructions shall be speedily given to the colonial authorities of the Netherlands in regard to

conduct in cases similar to those which have induced the existing complaints. I cannot, of course, foresee how far those instructions, yet unknown to me, may modify the position assumed by the minister of foreign affairs in the paper under consideration.

Under these circumstances I must be content with setting forth, for the information of the government of the Netherlands, just what the United States claim and expect in regard to the matter in debate.

They have asked for an explanation of the case, presented by the admission of the Sumter by the governor of Curaçoa, if one can be satisfactorily given; and if not, then for a disavowal of that officer's proceedings, attended by a justly deserved rebuke.

These demands have been made, not from any irritation or any sensibility of national pride, but to make it sure that henceforth any piratical vessel fitted out by or under the agency of disloyal American citizens, and cruising in pursuit of merchant-vessels of the United States, shall not be admitted into either the continental or the colonial ports of the Netherlands, under any pretext whatever. If that assurance cannot be obtained in some way we must provide for the protection of our rights in some other way. Thus, the subject is one of a purely practical character; it neither requires nor admits of debate or argument on the part of the United States. If what is thus desired shall be obtained by the United States in any way they shall be satisfied; if it fails to be obtained through the disinclination of the government of the Netherlands its proceedings in this respect will be deemed unfriendly and injurious to the United States. The United States being thus disposed to treat the subject in a practical way, they are not tenacious about the manner or form in which the due respect to their rights is manifested by the government of the Netherlands, and still less about the considerations or arguments upon which that government regulates its own conduct in the matter. They regard the whole insurrection in this country as ephemeral; indeed, they believe that the attempt at piracy under the name of privateering made by the insurgents has already well-nigh failed. While, therefore, they insist that shelter shall not be afforded to the pirates by nations in friendship with the United States, they, at the same time, are not unwilling to avoid grave debates concerning their rights that might survive the existing controversy. It remains
[739] only to say in this connection that the course *which the United States are pursuing in their complaints to the government of the Netherlands is not peculiar to, but it is the same which has been and which will be pursued toward any other maritime power on the occurrence of similar grievances.

With these remarks I proceed to notice Baron Van Zuylen's communication. You will reply to him that the United States unreservedly claim to determine for themselves absolutely the character of the Sumter, she being a vessel fitted out, owned, armed, sailed, and directed by American citizens who owe allegiance to the United States, and who neither have nor can, in their piratical purposes and pursuits, have or claim any political authority from any lawful source whatever.

The United States regard the vessel as piratical, and the persons by whom she is manned and navigated as pirates.

The United States, therefore, cannot admit that the Sumter is a ship of war or a privateer, and so entitled to any privileges whatever, in either of those characters, in the port of Curaçoa; nor can they debate any such subject with the government of the Netherlands. This will be all that you will need to say in reply to the whole of Baron Van Zuylen's note, except that portion of it which states, rather by way of argument

than of assertion, that, according to the information received from the governor of Curaçoa, (by the government of the Netherlands,) the Sumter was actually in distress, and that functionary, therefore, could not refuse to allow the said vessel to enter the port.

If this position shall be actually assumed by the government of the Netherlands, two questions will arise: first, whether the fact that the Sumter was in distress was true, or a belief of the truth of that fact was the real ground upon which she was admitted by the colonial governor into the port of Curaçoa; secondly, how far a piratical vessel, roving over the seas in pursuit of peaceful commercial vessels of the United States, and fleeing before their naval pursuit, but falling into distress herself, is entitled to charity at the hands of a State friendly to the nation upon whose commerce her depredations are directed.

It would hence be idle to occupy ourselves with a discussion of these questions until we know that the government of the Netherlands determines to stand upon the main position from which they are derived.

You will, therefore, ask the Baron Van Zuylen for an explicit statement on this subject.

I cannot but hope, however, that the government of the Netherlands will come to the conclusion that it is wisest and best, in view of the relations of the two countries, to give such directions to its agents as will render further prosecution of this discussion unnecessary, while it will prevent similar injuries in future to our national dignity and honor. Should it determine otherwise, and not be able to place the conduct of the governor-general at Curaçoa in a better light than it has already done, it will become necessary to consider what means we can take to protect, in the ports of the Netherlands, national rights which cannot be surrendered or compromised.

I am, &c.,
(Signed) WILLIAM H. SEWARD.

No. 16.

Mr. Pike to Mr. Seward.

No. 24.] UNITED STATES LEGATION,
The Hague, October 23, 1861.

SIR: I had the honor to transmit to you, on the 16th instant, the last communication of this government in respect to the Sumter case, referring to the orders recently given to its colonial authorities, by which the stay of such vessels in Dutch ports is limited to twenty-four hours, and by which they are also forbidden to take on board more than twenty-four hours' supply of coal.

Considering these orders to be important, I have, in the following copy of my reply to the Dutch government, ventured to express a qualified satisfaction at their issue. I am in hopes you will adopt a similar view of the case, as I conceive this government to be well disposed toward the United States, and to consider that it has strained a point in our favor.

I doubt if England or France will do anything of the sort; but the course of Holland will, at least, furnish excellent grounds for some pertinent questions in case they decline.

I have informed Mr. Adams, and also Mr. Dayton and Mr. Schurz, of

the final action of this government in this case. The copy of my note follows, (to Baron Van Zuylen:)

UNITED STATES LEGATION,
The Hague, October 22, 1861.

SIR: In reply to your communication of the 15th instant, which I have had the honor to receive, I take pleasure in assuring your excellency that it has been far from my purpose to say anything at any time which should occasion painful impressions on the part of His Majesty's government, or to use language marked by impatience or irritation at the course of the government of the Netherlands. But, while making this disclaimer, frankness compels me to add that I should not know in what more moderate terms to express my sentiments than those I have had the honor to employ in addressing His Majesty's government.

I desire further to say, in respect to that part of your excellency's communication which refers to the recent orders given to the Dutch colonial authorities not to permit vessels engaged in pirating upon United States commerce to remain in their ports more than twenty-four hours, and, when steamers, not to be furnished with more than twenty-four hours' supply of fuel, that, while I receive the announcement with satisfaction, it is qualified by deep regrets at the position His Majesty's government thought proper to take in placing the misguided persons in rebellion against the United States on a footing of equality, in a most important respect, with the Government to which they owe obedience; for, though the orders in question deny shelter and aid to
[740] pirates, it is impossible to regard with *complacency the fact that the exclusion operates equally against the vessels of the United States, denying to them that accustomed hospitality ever accorded by friendly nations.

Abstaining, however, now as heretofore, from any discussion on this topic while awaiting the reply of my Government to your communication of the 17th of September, I will only add that I feel assured the United States Government will fully share these regrets, and I can only hope will not impeach my expressions of satisfaction at the orders which you inform me have been given in accordance with the rule of action laid down in that paper, notwithstanding the position falls so far short of that which the United States have confidently expected Holland would occupy on this question.

I pray, &c.

I have had the honor to receive your dispatch of the 4th of October, No. 24, relative to the Sumter at Paramaribo, to which subject I have already given my attention.

I have, &c.,
(Signed) JAMES S. PIKE.

No. 17.

Mr. Seward to Mr. Pike.

No. 28.] DEPARTMENT OF STATE,
Washington, October 30, 1861.

SIR: Your dispatch of October 9 (No. 20) has been received. We wait with much interest the result of your application to the government of the Netherlands for explanations of the hospitalities extended by its colonial authorities to privateers.

I am, &c.,
(Signed) WILLIAM H. SEWARD.

No. 18.

Mr. Seward to Mr. Pike.

No. 29.] DEPARTMENT OF STATE,
Washington, November 2, 1861.

SIR: Your dispatch of October 12 (No. 22) has been received. I learn

with much pleasure that you have assurances which, although informal, lead you to expect that a satisfactory course will be adopted by His Majesty's government in regard to the exclusion of privateers from the ports of the Netherlands. Awaiting with some solicitude more definite information,

I am, &c.,

(Signed) WILLIAM H. SEWARD.

No. 19.

No. 25.] *Mr. Pike to Mr. Seward.*

[Extract.]

UNITED STATES LEGATION,
The Hague, November 6, 1861.

I duly received your dispatch (No. 25) of the 10th of October, but have nothing by the last mail. I await your response to the communication of Mr. Van Zuylen of the 17th of September last.

I have the honor to inclose you the reply of the minister of foreign affairs to my note of the 22d of last month, a copy of which I forwarded to you in my last.

* * * * * * *

[Inclosure in No. 19.]

M. Van Zuylen to Mr. Pike.

[Translation.]

THE HAGUE, *October* 29, 1861.

SIR: I have had the honor to receive your letter of the 22d of this month, relative to the affair of the Sumter, and it has been gratifying to me to learn from its tenor that you have received with satisfaction the information as to the measures adopted by the government of the Low Countries to prevent the return or the prolonged stay in its ports of vessels which, like the Sumter, seemed to desire to use them as the base of their operations against the commerce of the adverse party.

You regret only that the government of the King should have adopted the same treatment toward the war-vessels of the seceding States and those of the United States.

Without entering here into an extended discussion, rendered, moreover, almost superfluous by my two preceding communications, I shall merely permit myself, sir, referring to their contents, to cause you to observe that, agreeably to the doctrine of the best publicists, neutrality imposes upon those nations which desire to enjoy its benefits a complete abstention from all that could establish a difference of treatment between the belligerent parties, and that this principle applies as well to the cases of civil war, or even of rebellion, as to that of an ordinary war.

[741] *Your Government having desired that measures should be taken to prevent a prolonged stay in our ports of the Sumter, or of other vessels of war of the seceding States, we have admitted the justice of this claim. But these measures could not reach exclusively one of the two parties; they were to be general, and the consequence of it is, that the new instructions given to the governors of Curaçoa and of Surinam neither permit the vessels of war of the United States, except in the case of being compelled to put into a port, to sojourn in the ports of the Netherlands in the West Indies for a longer time than twice twenty-four hours, and not for only twenty-four hours, as you seem to believe.

Nevertheless, the privateers, with or without their prizes, are, as heretofore, excluded from the Netherlands' ports; and it is by an oversight, which I hasten to rectify, that

the words "and the privateers" have been introduced into that part of my communication of the 15th of this month which calls your attention to the instructions transmitted to the colonial authorities.

Be pleased, &c.,
(Signed) DE ZUYLEN DE NIJEVELT.

No. 20.

No. 31.] *Mr. Seward to Mr. Pike.*

DEPARTMENT OF STATE,
Washington, November 11, 1861.

SIR: Your dispatch (No. 24) dated October 23 has been received.

I learn from it that the government of the Netherlands has made an order which will, it is hoped, practically prevent the recurrence of such countenance and favor to pirates in the ports of that state as we have heretofore complained of. You will express to Baron Zuylen our satisfaction with this proceeding, viewed in that light, but you will be no less explicit in saying that this Government by no means assents to the qualifications affecting its claims as a sovereign power upon the Netherlands by which the proceeding is qualified.

Not only are we not seeking occasions for difference with any foreign powers, but we are, on the other hand, endeavoring to preserve amity and friendship with them all, in a crisis which tries the magnanimity of our country. Influenced by these feelings, I can only hope that no new injury or disrespect to our flag may occur in the ports of the Netherlands, to bring the action of their government again under review by us.

I am directed by the President to express his approval of the diligence and discretion you have practiced in this important transaction.

I am, &c.,
(Signed) WILLIAM H. SEWARD.

No. 21.

No. 32.] *Mr. Seward to Mr. Pike.*

DEPARTMENT OF STATE,
Washington, November 11, 1861.

SIR: Your dispatch of October 16 (No. 23) has been received. It contains the reply of Mr. de Zuylen to the note you had addressed to him on the subject of the Sumter at Paramaribo.

In another paper I have already communicated the President's views of the disposition of that subject made by the government of the Netherlands, so that nothing remains to be said on the subject which you have had occasion to discuss in the dispatch now before me.

I am, &c.,
(Signed) WILLIAM H. SEWARD.

No. 22.

No. 33.] *Mr. Seward to Mr. Pike.*

DEPARTMENT OF STATE,
Washington, November 23, 1861.

SIR: Your dispatch of November 6 (No. 25) has just been received. I have already anticipated and disposed of the principal subject which it presents.

Felicitate the government of the Netherlands as we felicitate ourselves on the renewed auguries of good and cordial relations between friends too old to be alienated thoughtlessly, or from mere impatience.

I am, &c.,
(Signed) WILLIAM H. SEWARD.

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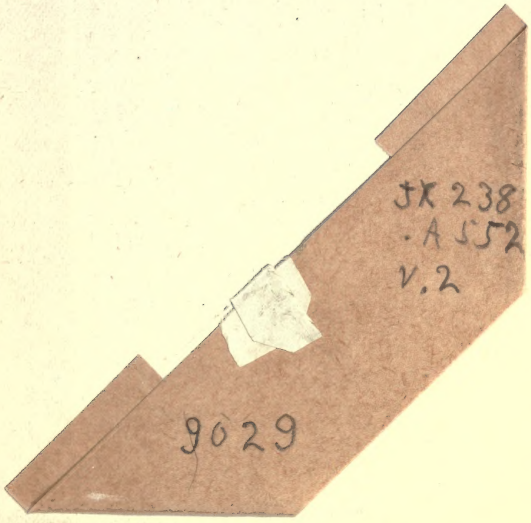
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